



Europäische Rechtsakademie  
Academy of European Law  
Académie de Droit Européen  
Accademia di Diritto Europeo



## ANNUAL REPORT 2010

## ABOUT ERA

The Academy of European Law (ERA) provides training in European law to judges, prosecutors, lawyers in private practice, notaries, in-house counsel, law enforcement officers, lawyers in public administration and other legal practitioners.

ERA is a non-profit public foundation established in 1992 on the initiative of the European Parliament and supported by the European Union and its Member States.

ERA organises conferences, seminars and language courses at different levels at its centre in Trier, its office in Brussels and around Europe. It also provides e-learning courses and publishes a quarterly journal, ERA Forum.

Building on its dynamic development in recent years, the first step of ERA's enlargement strategy was completed in 2010: after one year of refurbishment, its new facilities in a neighbouring building became operational. In the next step, ERA will expand its staff and increase the number of its training activities accordingly.



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## DR PAULIINE KOSKELO

PRESIDENT OF THE SUPREME COURT OF FINLAND,  
ELECTED TO BE CHAIRWOMAN OF THE ERA BOARD  
OF TRUSTEES FROM JANUARY 2011

In 2010, Judge John Toulmin's long and successful tenure as the Chairman of ERA's Board of Trustees came to an end. It is a pleasure for me to take this opportunity to express my warmest thanks and great appreciation for the valuable work John has done for ERA over so many years. He has been an important figure in a period during which ERA has undergone a truly remarkable development and grown from a rather modest start into the well-established, well-known, dynamic and well-reputed institution that it is today. I am sure that many people associated with ERA join in these thanks and that we all wish him well.

The professional roles of lawyers vary, but there is a common streak in that their responsibilities are usually, in one way or another, directed at protecting or enforcing the rights of others. This includes the protection and enforcement of rights arising from European law. Indeed, European law is an essential part of the required competence of lawyers regardless of their field of work or the direction or focus of their careers. Few, if any, lawyers in Europe today can expect to manage without a solid grasp of European law, even if the scope and depth of necessary knowledge will depend on the particular field of work in which each of them is active and the degree of specialisation involved.

Achieving and maintaining an adequate standard of knowledge of European law among lawyers remains an important challenge - in the interest of all those who depend on our profession for the enjoyment and enforcement of their rights. It is a continuous challenge for all Europe, not only for newer Member States but even for the older ones. On the one hand, European law in itself is not static. Its dynamic evolution and expansion into new domains requires an ongoing revision and updating of knowledge. On the other hand, the legal professions undergo a generational change, whereby competencies must constantly be reproduced and enhanced. In parts of Europe this change is currently particularly rapid as the post-war generation is being replaced in active professional life by younger people.

It goes without saying that the primary responsibility for legal education, including legal education in European law, remains at the level of the Member States. The application of European law is regularly intertwined with national law, and the concrete issues that arise are often the result of how European norms relate to a given set of national norms. Effective legal skills therefore require a combined understanding of both elements of the law. This can, and must, primarily be achieved by legal education at the national level. The need for domestic training efforts does not, however, detract from the fact that there is also a great need for competence development in European law to take place at a European level. European law is our common system of norms, and there is a great deal of added value in having common fora for the improvement of professional skills in this area.

It is quite essential to bring together people from different Member States and different legal professions, both as teachers and as audiences, to analyse issues of European law.

Courses and seminars in a European setting can not only provide new knowledge and new insights but they also help overcome various other problems that may hamper the functioning of our common norms. High quality training and exchange on a European level are essential in order to promote necessary common standards of legal culture and mutual confidence. Such training can also play an important role from a motivational point of view, by encouraging lawyers to cultivate their professional skills and widen horizons. With the record of its activities until now, and with the fine quality and energy of its staff, ERA is in a good position to make a continued and strengthened contribution as a training institution at the European level. What is more, ERA is not only a forum for learning but also a forum for debate on questions of European law. I hope and trust that ERA will pursue its important role with vigour and success in the coming years.



DR PAULIINE KOSKELO  
PRESIDENT OF THE SUPREME  
COURT OF FINLAND,  
ELECTED TO BE CHAIRWOMAN  
OF THE ERA BOARD OF TRUSTEES  
FROM JANUARY 2011

## GOVERNING BOARD PRESIDENT

**DR JACQUES SANTER**  
FORMER PRIME MINISTER OF LUXEMBOURG,  
FORMER PRESIDENT OF THE EUROPEAN COMMISSION,  
FORMER MEMBER OF THE EUROPEAN PARLIAMENT,  
LUXEMBOURG



2010 was an important year for the implementation of ERA's 2012 development strategy, of which a mid-term review was presented and approved at the 19th Meeting of the ERA Governing Board. One element of this strategy has been the enlargement of its conference facilities in the former bank building next door, which now allows ERA to respond to an increased demand for training activities. Another Governing Board decision

of outstanding strategic relevance, which nota bene has been adopted unanimously, enables ERA to become part of a future EU-law based judicial training architecture along the lines requested by the European Parliament. ERA's contribution to European judicial training was also acknowledged by the EJTJ General Assembly in Madrid which elected ERA convener of the Network's Working Group on Programmes.

## EXECUTIVE BOARD CHAIRPERSON

**KLAUS-HEINER LEHNE**

MEMBER OF THE EUROPEAN PARLIAMENT  
CHAIRMAN OF THE COMMITTEE ON LEGAL AFFAIRS,  
BRUSSELS/STRASBOURG

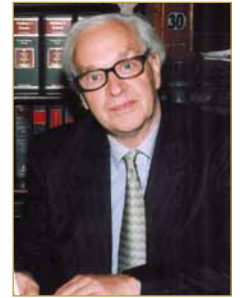


In 2010, it became clear that the further development of judicial training is a priority at European level. The European Parliament adopted in June a resolution on judicial training. It also commissioned a study on judicial training, for which ERA together with EJTJ won the tender: this considerable project will survey

professional judges and public prosecutors in all 27 Member States. Commission Vice-President Viviane Reding also highlighted the importance of judicial training when she visited ERA in March and presented her working programme in the field of EU criminal justice.

## BOARD OF TRUSTEES CHAIRMAN

**JUDGE JOHN TOULMIN CMG QC**  
HIGH COURT OF JUSTICE,  
THE TECHNOLOGY AND CONSTRUCTION COURT,  
LONDON



Two events have been of particular importance in 2010. The first is the completion of the building acquired from the Bundesbank which, since autumn 2010, has been functioning as an integral part of ERA. The renovation work was completed on time and on budget. The second event has been the work consequential on the Lisbon Treaty which provides the European Parliament and the Commission with increased competence in the area of justice and the

training of judges and those connected with the courts. ERA is well equipped with the facilities and the expertise of its staff, led by Dr Heusel, to take advantage of the new opportunities which will arise. As retiring Chairman of the Board of Trustees I thank all those who have given me such wonderful support since I became Chairman in 1997.

## MANAGEMENT BOARD DIRECTOR

**DR WOLFGANG HEUSEL**

DEPUTY DIRECTORS

**JOHN COUGHLAN**

**LUC DOEVE**

**JEAN-PHILIPPE RAGEADE**

DR WOLFGANG  
HEUSEL  
DIRECTOR OF THE  
ACADEMY



## INTERVIEW WITH THE DIRECTOR. NEW IMPULSE FOR ERA'S STRATEGIC DEVELOPMENT.

*Interview with  
Dr Heusel in ERA's  
foyer.*



**One very visible element of ERA's development in 2010 was the opening of the new building. What does the enlargement of ERA's facilities mean for its strategic development?**

**Wolfgang Heusel:** ERA opened its own conference centre in 1998, but already at ERA's 10th anniversary in 2002 it had become obvious that the conference and office space it offered was getting scarce. In parallel an ever-rising demand from European law practitioners for further training in EU law called for a new development strategy which ERA's Governing Board eventually adopted on 3 December 2007. This strategy was built on two pillars: the extension of the conference centre and an enlarged staff, allowing for a sustainable increase of ERA's programme offer.

The decision of the Board in 2007 almost coincided with the closing of the former branch of the German Central Bank, which had been built on the same site as ERA's conference centre, planned at the same time by the same architect and constructed by the same building companies. This was a very happy coincidence, as obviously it offered ERA the unique chance to enlarge its facilities by using an existing building in its immediate vicinity which was already part of a single architectural complex. Thanks to the generous funding of our German seat states, the Federal Republic and the state of Rhineland-Palatinate, and to the support of other member states such as Luxembourg, Ireland and Portugal, ERA was able to purchase the building and to replace the existing central bank infrastructure by that of a fully-equipped European conference centre in the style of the "old" ERA facilities. The conversion works were essentially

completed within one year and – I should emphasise – without exceeding the overall budget. The only change that is visible externally is a glass walkway linking the old and the new part of our extended facilities.

Opening the new facilities meant achieving one main target of the development strategy. The second – the creation of a new public law section and the corresponding increase in staff – was only possible on the basis of an increased operating grant from the EU which, upon the request of the European Parliament, the Commission has eventually granted for 2011. I was extremely pleased in February to receive a letter signed by Vice President Viviane Reding and Commissioner Androulla Vassiliou expressing their appreciation for ERA's work and announcing the corresponding grant increase.

It should be noted that the extended conference facilities not only provide ample space for ERA's own activities but will also be available to third parties interested in renting them for their own events.

**In October last year, ERA took part in the Commission's consultation on European judicial training. What were the key elements of ERA's response?**

With the perspective of preparing the Commission's response to the ambitious goals set by the Stockholm programme in this specific area of judicial training, the consultation covered a rather large number of aspects, such as the appropriate scope of European training activities and the training needs of the various legal practitioners; how to increase the number of European training activities and participation



in them; how to improve the quality of EU-funded activities; etc. ERA essentially highlighted the need to ensure a sound command of basic EU law principles and procedures (such as fundamental rights or the preliminary ruling procedure) and to provide focused quality training responding to the specific needs of the different professional target groups in both face-to-face and electronic format. We also highlighted the obvious relationship between, on the one hand, the quality of the training offer, the availability of working time for training and of funding; and on the other hand the level of participation in European training.

To provide a more solid and reliable basis to reach the targets of the Stockholm programme we recommended adopting a formal decision under Articles 81 and 82 of the TFEU to create a formalised structure - but not a new agency - at EU level involving EJTN, the national training authorities, and ERA. This would combine the strengths of the existing institutions and allow for the systematic expansion and intensification of judicial training. This proposal was unanimously backed by ERA's Governing Board in October 2010.

Finally, as an annex to our response, ERA provided the Commission with a fully-fledged strategy paper with concrete training proposals for all relevant areas of EU law. This paper had been prepared by our staff in June 2010 in response to a request by the then Spanish Presidency of the Council.

I would like to mention in this context a study on the state and practice of judicial training in the member states commissioned last December by the European Parliament, which ERA is currently carrying out in

consortium with EJTN. With this project we endeavour to deliver by October 2011 the full picture of judicial training in EU law at member states and EU level. The findings of the study should also be of interest for the Commission's further judicial training strategy.

#### How did ERA's regular training business develop in 2010?

In the first instance I am glad to state that despite the persisting economic crisis the business year did not go too badly for ERA. We were pleased to see the highest number of events ever organised in ERA's history (128). In parallel also the total number of participants went up again after the 2009 crisis and rose to 7,487, falling just short of the record number reached in 2008.

In an economic perspective we registered a slight increase in registration fees which however was significantly outweighed by a decline in commissioned and co-funded events. In so far we still felt the effects of the financial crisis.

#### What were the highlights of ERA's programme activities in your opinion?

Let me mention three kinds of events which I find of particular relevance. First, following the entry into force of the Lisbon Treaty, a major conference on the new competences of the EU institutions in the very dynamic area of criminal justice, an event where in March 2010 in Trier Vice-President Reding announced her priorities for the Commission's ambitious criminal justice policy. Second I would like to refer to the 50th birthday of the CCBE, where ERA's presence to the European Bar consisted in the co-sponsoring of a

conference on legal aid in November last year. And finally, 2010 brought the definitive launch of ERA's "Brussels briefings", a monthly series of brief lunchtime or afternoon debates for a Brussels audience on topics such as collective redress, counterfeiting of medical products, the quantification of antitrust damages, the e-Justice portal or the new comitology procedure.

Moreover, cooperation with the Spanish and Belgian Presidencies of the Council on legal policy topics once again offered a classical type of highlight in ERA's programme. 2010 topics included procedural safeguards in criminal justice, the impact of ECJ case law on national tax systems and the European Investigation Order.

#### John Toulmin, who had been chairman of ERA's Board of Trustees for the last 14 years, retired at the end of the year and is followed by Pauliine Koskelo as the new chairwoman of the Board of Trustees...

John's departure from the chair of the Board of Trustees definitely marked the end of an era for ERA. His 14 years term stretched from the early pioneer age of an innovative initiative with uncertain perspectives to what today we can consider a grown-up European training institute. His contribution to ERA's development was instrumental in many ways. He helped to shape its unique identity, brought in the common sense and the professional experience of an English legal practitioner with manifold international exposures and never ceased to inspire and motivate us. At a certain stage in ERA's development his support was even vital to secure

its political autonomy. We owe him a great deal of gratitude and I am glad to report that at its last meeting the Governing Board made him Honorary Chairman of the trustees for life. This year we offered him a collection of essays in his honour as a special edition of ERA Forum. Many of his fellow trustees took the effort and time to contribute to this *Liber amicorum* and I am immensely grateful for both their contributions and the timely delivery before the 2011 Board meeting.

This 2011 meeting was now the first to be chaired by Pauliine Koskelo, a task which she managed with great charm and efficiency. Pauliine has been President of the Supreme Court of Finland since 2006 and a very good friend of ERA since the mid-nineties when she was working at the European Investment Bank in Luxembourg. For long she has been a driving force in promoting the knowledge and practice of EU law at national and European level not least as a member of the network of Supreme Court presidents of the EU. It is a great honour for ERA that she has made herself available for the position of chairwoman of the trustees and an enormous personal pleasure for me to work with her.

## LINKS TO THE BRUSSELS LEGAL COMMUNITY. ERA IN BRUSSELS.

*Kerstin Hötzel,  
Head of office,  
Brussels*



The expansion of ERA's training activities was also an opportunity to renew its presence in the EU's law-making capital in Brussels. This included the appointment in September 2009 of a new head of its Brussels office in the person of Kerstin Hötzel.

The office's work focuses on three key areas: ERA's role in providing EU judicial training, ERA's role as the partner of the legal professions in European law training, and ERA as a provider of training to the Brussels legal community. Much progress on those fronts was achieved during the course of 2010.

The political agenda set by the entry into force of the Lisbon Treaty and by the Stockholm Programme has required intensive dialogue with the EU institutions. ERA met on numerous occasions with representatives of the Parliament, Council and Commission. In addition to these face-to-face meetings, ERA maintained regular written correspondence with the Institutions. For instance, ERA submitted a detailed paper in response to the Commission's consultation of stakeholders on judicial training, the results of which were presented in March 2011 and which will feed into the Commission's Communication on judicial training to be adopted in autumn 2011.

ERA has reinforced its partnership with the legal professions, developing a closer working relationship through regular contacts with the European umbrella bodies – CCBE, CNUE, EJTN, ENCJ – and national representations – the Law Societies, BRAK, DAV, DBF, CGAE. This has led to increased awareness of what ERA can offer and concrete opportunities for cooperation, for instance a partnership with CNUE in the framework of the EU Civil Justice Programme for 2007-2013.

The Brussels Office also keeps staff based in Trier updated on the latest developments at EU level and maintains informal contacts in key decision- and policymaking circles, including Members, assistants and officials of several European Parliament committees (in particular Legal Affairs, Civil Liberties, Budgets, Education and Culture), the European Commission's Directorates-General for Justice, Home Affairs, and Education and Culture, relevant Council working groups, and counsellors from Permanent Representations.

As for Brussels as a venue for ERA's training and conference programmes:

### Briefings

The concept of "ERA Briefings" in Brussels on a topical development in EU law has become a regular feature of our programme. The venue is usually the Joint Office of the Law Societies and the number of participants in 2010 was between 20 and 40 which, given the specific subject-matter and the short notice with which the events are usually organised, can be considered a good result. The briefings are therefore becoming a regular, recognisable feature of ERA's presence in Brussels, offering a taster of ERA training to the Brussels legal community and providing a valuable method for ERA to react quickly to emerging developments.

### Conferences

ERA now holds a number of its annual conferences in areas of business law – such as antitrust, pharmaceutical law and copyright – in Brussels, as

well as conferences with a strong legal policy dimension – such as an evaluation of the implementation of REACH. The target audience is legal practitioners not only from Brussels but from across the EU who are likely to find Brussels an attractive or convenient location. Conferences organised in Brussels also allow us to involve speakers from EU institutions more easily and in greater numbers.

In 2010, ERA conducted a survey in order to ascertain the training needs and priorities of legal practitioners based in Brussels. The results, in particular respondents' preferences as to the timing and length of events, provided interesting food for thought and will help ERA better cater for this specific market in future.



## PRACTITIONERS OF EUROPEAN LAW. ERA'S PARTICIPANTS.

In 2010 ERA organised 128 training events and conferences on EU law, the highest number in its history. These were attended by nearly 7500 practitioners of law from every EU Member State and beyond: in total 61 countries were represented.

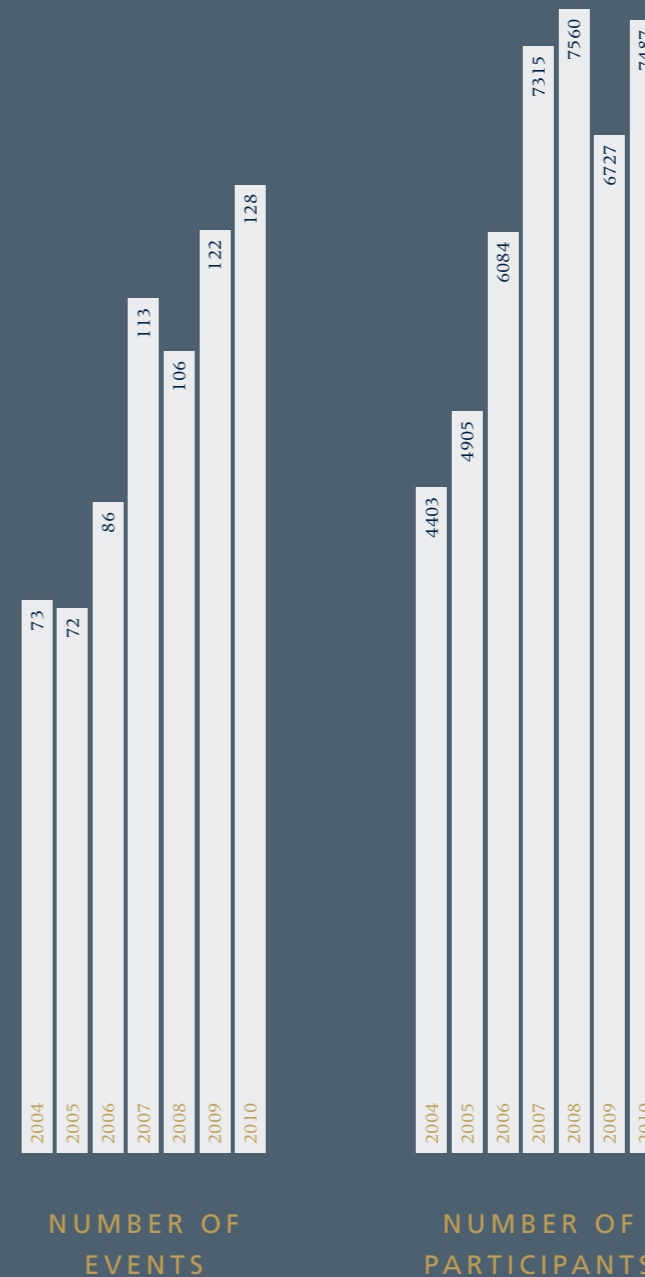
The most represented legal profession at events co- or fully financed by the European Union or contracted by Member States was the judiciary, with judges making up 24% of the participants and prosecutors a further 13%. National civil servants, regulatory officials and law enforcement officers were also represented in significant numbers.

The most represented profession at events in ERA's open programme was legal counsel, with lawyers in private practice accounting for 18% of participants and corporate counsel a further 12%. Thanks to several important legislative initiatives in 2010, on which ERA organised legal policy conferences, the number

of academics and representatives of foundations and NGOs was higher than usual in 2010.

EU funding is critical for ERA's budget. The operating grant that it receives under the Jean Monnet Programme amounts to 30% of its income, and co-funding of individual projects by the European Commission accounts for a further 22%. Income from participation fees for events in ERA's open programme represents 21% of the total and from contracted activities a further 7%.

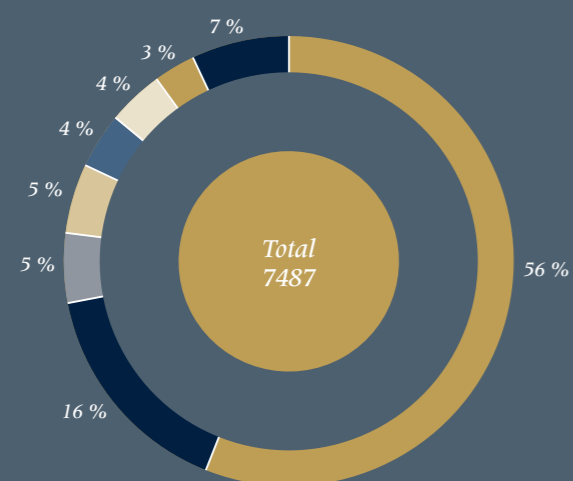
As a "knowledge business", the largest item of expenditure is unsurprisingly ERA's human resources. In 2010 it employed 55 permanent staff, with further employees on short-term project-related contracts, representing a total of 14 different nationalities. The next largest item was the direct cost of training events (interpretation, catering, travel etc.) with the two items together accounting for 85% of total expenditure.



NUMBER OF  
EVENTS

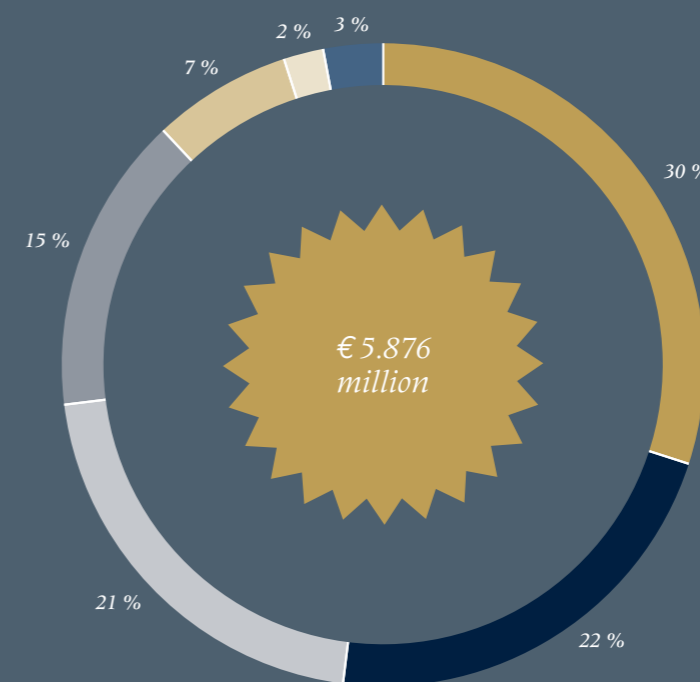
NUMBER OF  
PARTICIPANTS

PARTICIPANTS BY COUNTRY OF RESIDENCE 2010



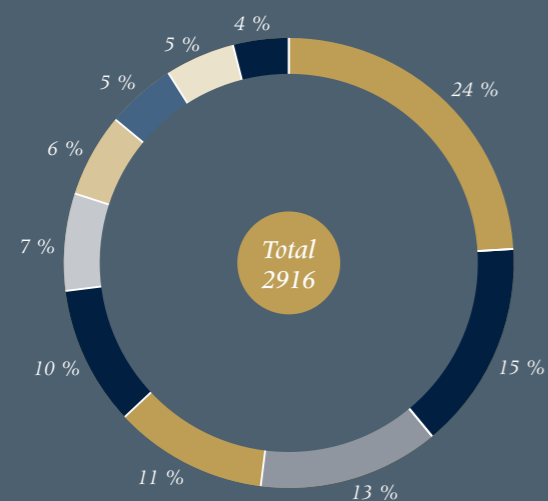
- 56 % EU 15
- 16 % EU 10 (2004)
- 4 % EU 2 (2007)
- 5 % EU candidate countries
- 5 % Other Eastern Europe
- 4 % Other Western Balkans
- 3 % EFTA
- 7 % Rest of the world

OPERATING INCOME 2010



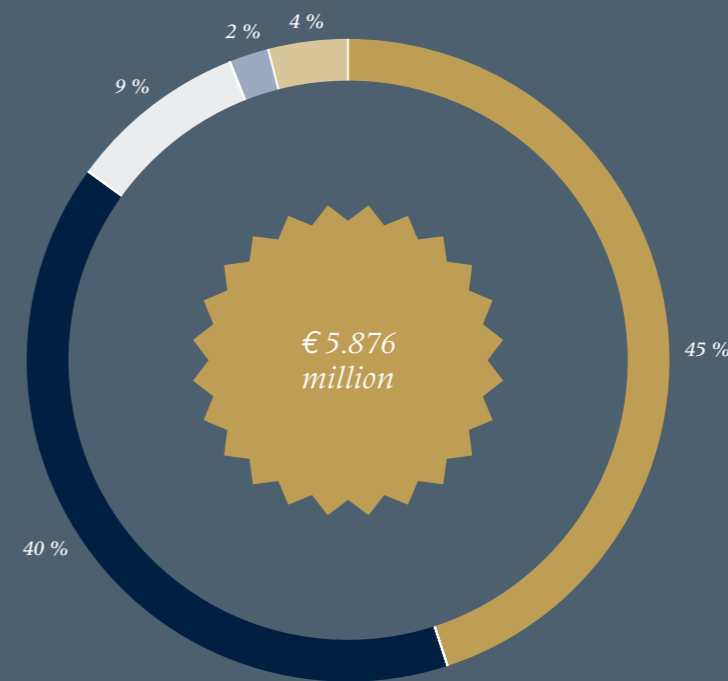
- 30 % EU operating grant
- 22 % EU projects
- 21 % Participation fees
- 15 % Rhineland-Palatinate operating grant
- 7 % Contracted activities
- 2 % ECC rental
- 3 % Other income (foundation capital, publications)

PARTICIPANTS BY PROFESSION AT CONTRACT AND CO-FINANCED EVENTS 2010



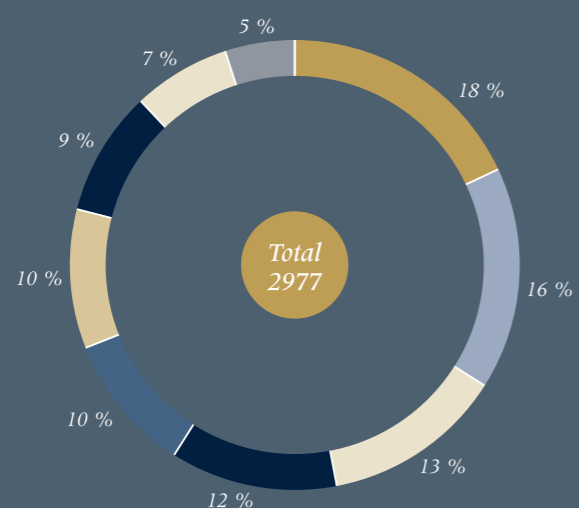
- 24 % Judges
- 15 % Regulatory and other civil servants
- 13 % Prosecutors
- 11 % Private practice and corporate counsel
- 10 % National ministry officials
- 7 % Law enforcement officers
- 6 % Academics
- 5 % EU officials
- 5 % Foundation / NGOs
- 4 % Other

OPERATING EXPENDITURE 2010



- 45 % Personnel
- 40 % Direct costs of training events
- 9 % Administration
- 2 % ECC
- 4 % Other expenditure

PARTICIPANTS BY PROFESSION AT OPEN EVENTS 2010



- 18 % Private practice
- 16 % Regulatory and other civil servants
- 13 % National ministry officials
- 12 % Corporate counsel
- 10 % Foundation / NGOs
- 10 % Judges and prosecutors
- 9 % Academics
- 7 % EU officials
- 5 % Other

## GROWING TRAINING NEEDS. ERA'S OPEN TRAINING PROGRAMME IN 2010.



The challenge for ERA over the years has been to maintain diversity and breadth in its open training programme despite the ever-increasing number of areas in which EU law applies and despite the growing “Europeanisation” of domestic law. Updating, deepening and enlarging the programme to match the growing training needs and expectations of legal practitioners have been our main concerns.

Evidence of these programme developments can be seen in the expansion of the so-called “regular” programme and in the rapid development of new areas of expertise. ERA offers annual events where the main aim is to cover the most recent developments in a specific area of EU law. Given the success of this formula, this type of event has been expanded to cover private international law, family law, labour law, direct and indirect taxation, public procurement, environmental law, financial services, intellectual property, company law, consumer law, state aid, food law, water law, insurance law, transport law and – since 2010 – asylum and immigration, social security law, data protection and the Schengen regime. Some of these highly technical events, which are aimed at specialists who wish to keep abreast of up-to-date knowledge in a particular field, gather each year more than 100 legal practitioners from all over Europe and therefore contribute to raise the profile of ERA among those specialists.

Another example of “regular” events, but aimed at young professionals and/or non-specialists, is the series of summer courses in European law, which covers constitutional law, tax law, criminal justice, competition law, private law, intellectual property

law and labour law. Basic training on litigation before the Court of Justice of the European Union and on procedure before the European Court of Human Rights is also offered on a yearly basis in English, French and German.

A recent addition to the types of regular event organised by ERA is the concept of “ERA Briefings” in Brussels on a topical development in EU law. These short sessions (up to 2 hours), organised at short notice on roughly a monthly basis, have been attracting between 20 and 40 participants per event since the beginning of 2010. They offer a taster of ERA training to the Brussels legal community and provide a valuable method for ERA to react quickly to emerging developments.

Besides these regular, “tried-and-tested” training seminars, ERA offers more individual events on very specific and topical themes. In the 2010 programme, practical events on cross-border insolvency proceedings, on 25 years of Schengen, on passengers’ rights, and on the new legal framework for EU social security coordination are worthy of note. Of particular interest in this context was a major conference in Brussels on ‘Reform of EU Financial Supervision’: the event aimed at an in-depth analysis of the three European supervisory authorities (ESAs) – the European Banking Authority, the European Securities and Markets Authority, the European Insurance and Occupational Pensions Authority – and of the European Systemic Risk Board (ESRB) which were about to be established one month later as from January 2011 to replace the former supervisory committees.

### BUSINESS LAW SECTION

Left to right: Uta Ellerhorst | Dr María Pilar Núñez Ruiz | Dr Michele Messina | Nathalie Dessert | Florence Hartmann-Vareilles

In line with its Statute, ERA does not confine itself purely to the dissemination of European law via training, but also serves as a European platform for the discussion of legal policy. In so doing, ERA attaches great importance to remaining neutral and independent, for example by not becoming directly involved in the drafting of specific legal policies. ERA's neutrality and independence have given it a role in a number of topical and fundamental debates at European level.

The aim of such events is to stimulate reflection on future political developments in the field of law or – where future legislation is already at an advanced stage – to put forward practical considerations from legal practitioners and stakeholders for the evaluation of proposed regulation.

One conference organised in Trier on 'The future of European criminal justice under the Lisbon treaty' was particularly representative of this type of event. Experts

from the EU and the Member States analysed not only the changes brought about by the Lisbon Treaty in the field of criminal justice but also linked this discussion to the (then) recently adopted Stockholm programme and discussed how these two developments are likely to affect future integration in the policy area as well as what new legislative measures might arise in the coming years. Various issues were explored, such as the EU's competences in judicial cooperation

in police and criminal matters (in particular the possibility to harmonise offences and sanctions), the practical consequences of the new decision-making processes which involve the European and national parliaments, the enlarged role of the Court of Justice of the EU, and the changes in the role of Europol and Eurojust. All these issues were presented to more than 140 participants by high-ranking experts from the European institutions and bodies, such as the



## PRIVATE LAW SECTION

Left to right: Daniel Gärtner Sarah Jung Kassiani Christodoulou

Leyre Maiso Fontecha Dr Angelika Fuchs Christiane Schmitz Lynne McAleavy

Jurisconsult of the European Parliament Christian Pennera and the Advocate General of the Court of Justice of the EU Yves Bot. In the closing speech of this conference Vice-President Viviane Reding, Commissioner for Justice, Fundamental Rights and Citizenship, presented for the first time her policy vision on the future of criminal Justice, stressing the drawing up of new legislative instruments on procedural rights – not only for the defence, but also rights for the victims – as one of the main priorities of her mandate in order to strengthen mutual trust. Viviane Reding also announced her intention to propose changes to the European Evidence Warrant in order to make it more effective and mentioned the creation of the European Public Prosecutor which could be built on Eurojust.

The future of European contract law was once again discussed at ERA in the framework of a very-well attended conference in Trier at the beginning of 2010. It followed the ERA events organised in the framework of the CoPECL Network over the last years and the selection process carried out at that time by the European Commission to determine which part of the Draft Common Frame of Reference – the final version of which had been published in October 2009 – would be included in the CFR. The conference gave the opportunity to discuss content and perspectives of a future ‘political’ CFR. One of the main purposes of the CFR is to provide a set of principles, definitions and model rules which could be used as a ‘toolbox’ for better European lawmaking. Given the substantive reforms in the consumer protection field on the legislative agenda the conference discussed whether and how the development of the CFR and the ongoing revision of EU consumer law (e.g. Consumer Rights Directive, Package Travel Directive) could be synchronised and connected. Finally, in its resolution on the Stockholm Programme, the European Parliament emphasised “that the political CFR should result in an optional and directly applicable instrument enabling parties to a contract, inter alia companies and consumers, freely to choose European Contract

Law as the law governing their transaction.” Against this background, participants discussed the content as well as the pros and cons of an optional instrument.

As a last example, some 100 legal practitioners from 19 EU member states attended a major conference in Trier on cross-border successions to discuss the proposal of the European Commission of 14 October 2009 for a Regulation on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession which aims to help settle international successions involving people living in the EU.



## PUBLIC AND CRIMINAL LAW SECTION

Corina Badea Cornelia Riehle



Left to right centre:

Annette Geibel Laviero Buono



Dr Malte Beyer-Katzenberger

Tatsiana Bras-Gonçalves

Karolina Rokicka



## NEW TECHNOLOGIES. ERA AND DISTANCE LEARNING.



2010 was a year of investment for ERA in the digital and technical infrastructure necessary for its distance learning strategy. The ability to broadcast events was put to the test already in March when Viviane Reding, Vice-President of the European Commission responsible for Justice, Fundamental Rights and Citizenship, delivered a key address on the Commission's future criminal justice policy at ERA's conference centre in Trier. The speech was live-streamed on the internet and is still available to download on ERA's website.

ERA's video and webstreaming technology came into its own a month later, however, when the volcanic ash cloud emanating from Iceland caused a shutdown of European airspace and prevented both speakers and participants from reaching Trier for seminars scheduled during that period. Speakers who were unable to travel delivered their presentations by video-link and participants stuck at home could follow the event live on the internet and submit questions to speakers in real time by e-mail.

During the year, ERA began collecting video presentations by speakers for a series of podcasts, to be launched hopefully in 2011, on the recent case law of the European Court of Justice in certain key areas of European law. It will also live-stream selected presentations in the framework of a training project for the European Commission on "EU Disability Law and the United Nations Convention on the Rights of Persons with Disabilities", for which ERA tendered successfully in 2010 and which it will implement in 2011 and 2012.

In 2010 ERA launched its own call for tenders for the revamping of its e-learning platform. This was

implemented in 2011 and the new-look platform will be available for participants in ERA's 2011 summer course programme to follow preparatory blended learning modules. The aim by the end of 2011 is to have a mixture of content available on the platform, including both "linear" e-learning courses and a range of training resources on specific issues that subscribers can use as and when they need them.

As an active member of the European Judicial Training Network's Working Group on New Technologies, ERA is working closely with the national judicial training institutions in the EU Member States on the development of e-learning as one of the tools necessary to fulfil the ambitious goals set by the Stockholm Programme for the training of judges and prosecutors in European law. The advantages of e-learning as an alternative for – though never a replacement to – face-to-face training are also clear to lawyers in private practice and the other legal professions. Further investment in its distances learning strategy will therefore be a priority for ERA in the years to come.

## THE EU, EUROPE AND BEYOND. PRESIDENCY EVENTS AND COOPERATION WITH MEMBER STATES.



The trend for requests from the patrons of the ERA Foundation for commissioned events for their staff or for third parties has increased significantly. For example, 2010 saw the continuation of its traditional cooperation with the Swedish Ministry of Justice with a seminar, aimed at civil servants from the Swedish Government Offices (Regeringskansliet) and invited civil servants from the neighbouring countries, on the changes brought about by the Lisbon Treaty in the field of criminal justice. Besides cooperation with a large number of ministries of justice in the organisation of training events, mainly aimed at their national judiciaries on various topics related to judicial cooperation in criminal and/or civil matters (see the section on judicial training), two major projects on behalf of or together with ERA patrons deserve particular mention:

First, at the end of 2010 ERA completed a three-year project on behalf of the Luxembourg Ministry of Foreign Affairs aiming to strengthen international cooperation in criminal matters in Ukraine, Moldova and Georgia. The project activities varied for each country. In Moldova, two hundred judges and prosecutors took part in eight training activities focused on the correct application of Council of Europe instruments for mutual legal assistance – mainly the 1959 Convention and its additional protocols – and on other specific human rights such as the prohibition of torture and ill-treatment and the freedom of the media. For Ukraine a project on legislative assistance was developed in cooperation with the General Prosecutor's Office: a draft law on the ratification of the Second Additional Protocol to the 1959 Council

of Europe Convention on Mutual Legal Assistance was produced and introduced into the legislative process. Staff members from the regional prosecution offices, including the General Prosecutor's Office and military prosecutions services, were then provided with basic information about the new instruments contained in the draft law (joint investigation teams, use of video conference technology in criminal proceedings, new procedures on extradition). For Georgia, preference was given in 2009 and 2010 to cooperation with the Georgian Constitutional Court on two two-week summer schools on domestic and European human rights law aimed at more than 50 students and saw the presence among the speakers of high-ranking government officials, such as the Minister of Justice and the Presidents of the Supreme Court and the Constitutional Court. A new three-year agreement, which was signed at the beginning of 2011 with the Luxembourg Ministry of Foreign Affairs, foresees training activities in Moldova, Croatia and China. Second, with the financial support of the Maltese Government ERA organised a conference on 'Judicial protection in refugee matters' in cooperation with the Association of Councils of State and Supreme Administrative Jurisdictions of the European Union. The event, which took place in Valletta, gathered some ninety migration lawyers, national judges and representatives of national asylum authorities and NGOs representing twenty-four countries. It looked at the current issues concerning the Dublin system, access to justice for refugees and the case law of national and EU courts on the question of qualification. Cooperation with successive EU presidencies is also a

traditional and prestigious facet of ERA activities at the service of member states. Since the Luxembourg EU Presidency in 2005, all ERA patrons have involved ERA in major events during their presidencies. This was again the case in 2010 under the Spanish and Belgian presidencies.

2010 also saw the first steps to implement the roadmap to foster protection of suspects and accused persons in criminal proceedings that was established under the Swedish Presidency of the EU in 2009. By means of a step-by-step approach, the roadmap outlines six measures to be introduced one after the other and discussions started right away addressing the first measure on the right to interpretation and translation in criminal proceedings. Under the auspices of the Spanish Presidency of the European Union ERA organised a conference in cooperation

with the Spanish Ministry of Justice and the European Commission on the elaboration of common criminal procedural standards in Madrid. At the heart of the conference, which was addressed at ministry officials, was the possible content of the first measures to be implemented dealing with the right to interpretation, the so-called letter of rights, and the right to legal advice and legal aid. Given the importance of the topic, this conference was followed some months later by a seminar in Trier on the brand-new Directive on the right to interpretation and translation in criminal proceedings that was adopted in October 2010. The conference looked at its scope, content, and impact on the daily work of legal practitioners and discussed open questions such as how to ensure adequate quality of interpretation and translation and to assess the need for interpretation. Another event organised



in the framework of the Spanish Presidency addressed an issue particularly well represented in ERA's programme, European tax law. 'The impact of ECJ case law on national direct taxation systems', co-organised with the Spanish Ministry of Economy and Finance, gathered more than 80 European tax law specialists at the Instituto de Estudios Fiscales (IEF) in Madrid. Although direct taxation in the EU has traditionally been a national issue, the conference discussed the extent to which judgments of the Court of Justice of the European Union have directly affected national tax legislation in diverse areas including tax treatment of foreign workers, tax treatment of outbound/inbound dividends, withholding taxes, cross-border loss relief, CFC rules, exit taxes and infringements of state aid rules.

In April 2010, seven EU Member States launched the initiative for a European Investigation Order (EIO). The EIO aims to simplify the current legal framework for the gathering of evidence located in another Member State and introduces a comprehensive system based on the principle of mutual recognition. The chosen approach constitutes a radical change since the objective is to cover all types of evidence and almost all investigative measures, whilst preserving the flexibility and efficiency of the existing cooperation of EU Member States in the framework of mutual legal assistance. Various discussions have taken place within the Council of the European Union and agreement on the key issues was expected to be reached at the last JHA Council meeting of December 2010. ERA organised a major conference in Brussels in cooperation with the Belgian Presidency where representatives of the EU Member States and EU institutions and leading practitioners with long-standing experience in European cross-border cooperation presented and discussed the pros and cons of the EIO, its added value for the practitioner, possible drawbacks and its overall impact on European judicial cooperation.

Building on its record of successful Presidency events, ERA decided not only to organise prestigious legal policy conferences during a presidency but also to

become involved in legal training for the staff of incoming presidencies. A first example of this concept was a seminar at the very end of 2009 for the Polish Office of the Committee for European Integration (UKIE) – which in 2010 was integrated into the Ministry of Foreign Affairs. The idea was to train staff from UKIE and civil servants from the ministries that would work with EU legal issues. The programme focused on practical advice in the form of speeches given by member state representatives with "Presidency experience" and by the Council Secretariat General and the Commission's Legal Service, explaining their work and how the Presidency should best organise theirs. In 2010 until beginning of 2011 ERA continued with this concept and implemented three more projects of that kind: two seminars on institutional issues of high relevance for the presidency and one seminar on cooperation between institutions in the context of codecision procedures by way of tripartite meetings. The aim of these seminars on institutional issues was to prepare the participating civil servants to handle and answer complex questions concerning legal and procedural aspects of the Presidency. The seminars took place in Brussels (for personnel of the Polish Permanent Representation to the EU) and in Warsaw (for personnel of the Ministry of Foreign Affairs). The programme included practical advice given by experienced representatives of the EU Institutions. The third seminar focused on Trilogue meetings was practice-oriented. It was prepared on the special request of the Polish Permanent Representation to the EU in order to train its personnel on this very particular and little known procedure. In addition to the close cooperation preparing the forthcoming Polish Presidency in 2010 and 2011, ERA will continue its cooperation with Poland during its Presidency in the second half of 2011.



LIBRARY

Left to right: Julia Teusch Sabine Weinand

## CLOSE COOPERATION AT ALL LEVELS. ERA AND THE EU INSTITUTIONS.



For many years, European Union institutions have regularly commissioned seminars from ERA for their own staff or for third parties. Projects funded by the European Commission have for example included two major long-running series of training events on 'Anti-discrimination law' (in particular on the implementation of the directives 2000/78 and 2000/43) and on 'EU law on equal treatment between women and men'. Both series, aimed at legal practitioners, judges and academics from all member states, EEA-EFTA and candidate countries, have been implemented on behalf of and in cooperation with the European Commission's DG Employment, Social Affairs and Equal Opportunities under the 'Progress' Programme. With these two series, the first of which has run since 2003, ERA has contributed to the training of some 2,227 legal practitioners – more than 5 0% from the judiciary – in this field. At the beginning of 2011, ERA was awarded another contract under the same EU programme and will organise a series of six seminars on the 'EU Disability Law and the UN Convention on the Rights of Persons with Disabilities (UNCPRD)', also aimed at 300 legal professionals. This new series of events is scheduled to begin in 2011 while the other two will be continued.

2010 saw ERA organising for the second year a fully-funded seminar on EU telecommunications law in association with the European Commission's DG Information Society and Media. The 2010 seminar focused on the impact of the recently revised regulatory framework and other harmonisation measures, namely the adoption of the Communication on a Digital Agenda for Europe, the Recommendation

on Next Generation Access networks (NGA) and the role of the newly created Body of European Regulators for Electronic Communications (BEREC). It also dealt with the important role judges have in achieving a truly single market in the electronic communications sector, through the analysis of the major problems encountered in the application of the current regulatory framework and the challenges ahead stemming from the application of the new one adopted later in 2009. The seminar was attended by high-ranking judges and representatives of national regulatory authorities from twenty-one member states.

Also worthy of mention is the fourth edition of the 'Annual Forum on Combating Corruption and Fraud in the EU', an event which was again almost fully-funded by the European Commission's OLAF. The 2010 event in Trier was again attended by some 100 delegates and focused on EU anticorruption policy with regard to accession and third countries. Two further events in cooperation with OLAF were organised in Istanbul and Athens, on the cooperation between Turkish authorities and EU Institutions and on EU Member States' investigative techniques in fraud and corruption cases respectively. The objective of these events was to debate how best to ensure effective detection, investigation and prosecution of corruption and fraud cases, particularly those affecting the EU's financial interests. In all these events the role and contribution of OLAF and other agencies – such as Eurojust – was outlined and concrete international and European cases presented. Numerous presidents, members and delegates of the European lawyers associations for the

protection of the financial interests of the European Union took an active part in these events.

Building on ERA's experience since the beginning of the nineties in organising tailor-made training to prepare lawyers from Central and Eastern Europe for the integration of the *acquis* into national law, ERA has been working intensively since 2006 with the European Commission TAIEX Office and DG Enlargement. This has led to the organisation of several series of decentralised seminars in all new member states, almost all candidate and potential candidate countries, as well as many neighbouring countries covered by the TAIEX mandate. In 2010 further training series were launched by TAIEX in cooperation with ERA on various topics such as 'Data protection for police and judicial cooperation in criminal matters', 'The investigation and prosecution of drug trafficking in the EU', 'The fight against cybercrime' and 'Enhancing police cooperation in Southeast Europe'. As TAIEX assistance is no longer applicable to so-called "new" EU member states, these series were implemented in Kosovo, Serbia, Turkey and Ukraine. Some of the events were very well received, such as the one in Cairo which gathered 300 civil servants and members of the judiciary from the region.

ERA has also worked closely with a number of EU agencies, such as Eurojust and Europol, in the organisation of seminars dealing with police and judicial cooperation in criminal matters. The long-standing relationship with the Office for Harmonisation in the Internal Market (OHIM) in Alicante was reinforced: a series of internal training seminars for OHIM experts on different aspects of EU law on intellectual property – following a call for

proposals at the very end of 2009 – started in late 2010. ERA also organised its bi-annual event on the law of EU trademarks and designs with the support of OHIM in Alicante, bringing together nearly 80 experts from all over Europe. Finally, there was a very successful conference organised in close cooperation with the Office of the European Data Protection Supervisor (EDPS) on 'Data exchange in the age of SWIFT, PNR, Prüm and e-justice' at which the supervisor Peter Hustinx was the keynote speaker.

In 2010, on behalf of the European Commission's DG for Regional Policy, ERA proposed and implemented a two-week information and training seminar within the EU-China Regional Policy Dialogue for Chinese officials on the challenges of EU Regional Policy. The seminar was held in Trier, Luxembourg, Metz, Brussels, Warsaw and Gdańsk. The Chinese delegation was composed of regional-level officials and representatives of the National Development and Reform Commission (NDRC) from 13 Chinese provinces, most of whom occupied leading positions with decision-making responsibilities on regional development issues in their provinces. The main aim of this event was to provide the participants with an overview of the key areas of EU Regional Policy. It dealt with regional disparities, with EU regional policy and legislation, and statistical information systems in the EU.

Since 2006 ERA has also cooperated with the European Court of Justice's Press and Information Division in training journalists – a rather unusual but nevertheless influential target group in terms of awareness of European law among practitioners.





**TECHNICAL SERVICES & IT**

Left to right: *Werner Liesen* *Ralf Freitag* *Wolfgang Marx* *Willi Ruland*

*Oliver Steuernagel* *Stephan Böttcher* *Norbert Baden*

## CONTRIBUTING TO AMBITIOUS GOALS. ERA AND JUDICIAL TRAINING.



In 2010 ERA reaffirmed its major involvement in judicial training. Despite the financial crisis more than 1400 judges and prosecutors from all over Europe took part in ERA events in 2010; most of these events were specially organised for the judiciary in cooperation with the European Judicial Training Network (EJTN) and/or its members. In so doing, ERA brings its modest contribution to the realisation of the ambitious goals set in the Stockholm Programme in the field of judicial training.

ERA strengthened further its contribution to EJTN, both through its work and in terms of the results of the elections to EJTN bodies that took place in Madrid in May 2010. In concrete terms, ERA has expanded its bilateral and multilateral cooperation with numerous members and, as coordinator of the sub-group on criminal law, has made a significant contribution to the further development of the criminal law curriculum and to the conception and implementation of a criminal law training project to be organised by EJTN itself for the first time. The strong commitment of ERA to the activities of EJTN is reflected by the great confidence demonstrated both professionally and politically by the large majority of national judicial training institutions. This was made clear in the elections to the EJTN Steering Committee, in which, of twelve candidates for nine possible places, ERA achieved the fourth best result. In addition, the 2010 General Assembly elected ERA as the new convenor of the Working Group on "Programmes", a working group of particular strategic relevance, and again as a member of the Working Group on "New Technologies". Towards the end of 2010 ERA led a consortium

together with EJTN in a successful tender to conduct a study for the European Parliament on judicial training in the EU. The study, to be conducted in the course of 2011, aims to create an inventory of existing judicial training provision and to identify examples of best practice and possible shortcomings. It will survey judges and prosecutors in all 27 Member States about their experiences of judicial training and, with all EJTN members actively supporting the project, it is hoped that the final study – to be delivered in October 2011 – will provide an unparalleled overview of judicial training in the EU. More information about the study is available at [www.judicialtraining.eu](http://www.judicialtraining.eu).

ERA also continues to strengthen its relations with individual national organisations for judicial training, inter alia by advising them and/or supporting their applications for co-funding activities in the framework of EU programmes. Bilateral multi-annual framework agreements concluded with some EJTN members – Austria, the Czech Republic, Poland, Portugal, Romania, Spain – have also led to an increased participation at preferential rates of judges/prosecutors from these countries in ERA's 'open events' and to the joint organisation of training events for their judiciary. As concrete examples, between September 2008 and December 2010, ERA implemented a series of eight training seminars in Trier on the decentralised application of EU law and on the preliminary ruling procedure in which more than 130 Polish court of appeal judges specialised in civil, labour or criminal law matters took part. In Cracow ERA conceived and implemented a tailor-made course for judicial trainers of the Polish Judicial School on

methodologies for training in EU law. In this first project of its kind, EU law trainers who work regularly with ERA shared their insights into how to use innovative approaches to make EU law, which often seems remote and strange to judges and prosecutors used to the familiarities of their domestic legal system, come to life and demonstrate its relevance to daily judicial practice. At the end of the year, together with the President of the Oberlandesgericht Innsbruck, ERA also organised a training event on the Brussels I, Rome I, Rome II and Insolvency Regulations. The event in Kitzbühel was attended by some 30 Austrian judges. A training event aimed at Czech prosecutors on the fight against corruption, which was conceived as an exchange of national experiences – Czech, Slovak and German –, was organised in Kroměříž in cooperation with the Czech Judicial Academy. Further individual

seminars on the decentralised application of EU competition law were implemented last year in Bulgaria, Poland and Sweden.

Large-scale multilateral projects – most of them co-financed by the European Commission – on varied topics have remained central among ERA's activities for the judiciary. Such projects have taken the form of decentralised, regional or horizontal events. For example, in 2010 ERA has completed an ambitious long-running series of decentralised seminars in EU member states which aimed to raise awareness of and offer training on the use of the existing instruments of mutual legal assistance and mutual recognition in criminal matters in the light of the developing EU legal framework. The specific approach of the project was twofold: on the one hand, training for groups of selected member states geographically and



economically close to each other in which the need for cross-border cooperation between criminal justice authorities is particularly accentuated; on the other hand, it focused on practical training and case studies, mainly deriving from the practice in participants' home countries. The seminars took place in Austria, the Czech Republic, Denmark, Estonia, Germany, Malta, Portugal and Slovenia. Each seminar was addressed to judges and prosecutors from 4-5 member states.

Specific regional training events have also increasingly become part of ERA's programme. In 2010 ERA, in cooperation with the judicial training institutes from the Visegrad countries, launched a criminal law series of four seminars in the Czech Republic, Hungary, Poland and Slovakia. In all four seminars, judges and prosecutors from all partner Member States will participate. The regional grouping will allow for in-depth training, discussions and exchange of best practice in the region regarding the current needs and practice in these fields.

With regard to horizontal training activities, in 2010 ERA organised its fifth annual forum on mutual recognition of judicial decisions in criminal matters in Trier, addressing some 50 judges and prosecutors from 17 EU Member States. As an important achievement in 2010, ERA managed to obtain funding from the European Commission for an Academy for Young Judges and Prosecutors: at the very beginning of 2011 two intensive two-week training courses on European criminal justice instruments for newly appointed judges and prosecutors from all EU member states have been organised in Trier. They aim to give participants

a unique opportunity to develop the sense of forming part of an emerging European judicial culture. For this major project, ERA was able to rely on the support of EJTN – a strategic partner in this project – and its national members.

Training for the judiciary can also take the form of prestigious conferences. In 2010, ERA organised a conference in cooperation with the French *Cour de Cassation* and the French National School of the Magistracy on effective judicial protection on EU law bringing judges from most EU member states together in Paris. The conference enabled a fruitful debate on how European law is applied and enforced by national courts and provided a forum where national judges could exchange experiences and meet with European law experts. The conference, which was opened by the First President of the *Cour de Cassation* Vincent Lamanda and the Prosecutor General Jean-Louis Nadal, was addressed by members of national supreme courts – Tadeusz Ereciński, Marc Fierstra, Pauline Koskelo and Peter Wattel –, former members of the Court of Justice of the European Union – Sir David Edward, Nial Fennelly, Walter van Gerven and Philippe Léger – and was closed by European Parliament Vice-President Diana Wallis.



## HUMAN RESOURCES

Left to right: Alexandra Knippel-Probst Barbara Slotta Jutta Breit

## TRAINING FOR PRACTICE. ERA AND LEGAL COUNSEL.



Lawyers in private practice and in business are among ERA's principal target groups for training and professional exchange. In line with its mission and through close and long-standing cooperation with the Council of Bars and Law Societies of Europe (CCBE), the European Company Lawyers Association (ECLA) and other professional bodies at European and national level, ERA aims to ensure that its programmes meet the specific requirements of legal counsel.

ERA's open conferences and training seminars are virtually all of relevance and interest to lawyers in private practice. The highlight of 2010 in this respect was a conference in Brussels in November on "Legal aid: a fundamental right for citizens" organised in cooperation with the CCBE to mark its 50th anniversary. It was attended by senior bar association representatives from across the EU and the keynote address was given by Viviane Reding, Vice-President of the European Commission responsible for Justice and Fundamental Rights.

Other conferences and seminars of particular importance for private practitioners in 2010 included, for example, "Challenges for cross-border litigation", "Cross-border insolvency proceedings" and ERA's "Annual conference on European family law". For these events ERA accorded lawyers in private practice a preferential discount of 25% on the participation fees. In September ERA also organised a training seminar in Rome exclusively for criminal defence counsel on advocacy skills before international tribunals. Looking to the future, ERA in 2010 also submitted funding applications for training projects specifically targeted at legal counsel in fields such as

criminal justice and competition law.

ERA continued its long-standing cooperation with the Czech Bar Association in the form of a cooperation agreement according to which the Bar publicises ERA's training programme amongst its members in return for members of the Bar receiving a special discount on participation fees at ERA's events. Furthermore, in 2010 ERA organised a seminar in Prague on international family law in legal practice in cooperation with the Bar Association and the Czech Judicial Academy. In Italy, ERA signed a contract with the Fondazione di Alta Specializzazione Forense G. Carmignani to provide a series of seminars for Italian lawyers on diverse issues of European law from a practitioner's perspective, which got under way in early 2011. And in France, ERA continued to support the regional centre for the professional training of lawyers in Versailles through the provision of experts in European law for its initial training modules. ERA is always happy to explore ways in which it can work more closely with national – and indeed local – bar associations in order to ensure that practitioners have access to high-quality training in European law.

It is often crucial for lawyers in private practice that their participation in one of ERA's training events meets the compulsory professional development (CPD) requirements that have been introduced by an ever-growing number of national bars and law societies in recent years. ERA makes every effort to ensure that participation by lawyers from all over Europe in its events – whether in Trier or elsewhere – is recognised under the various national schemes. The diversity of the different national schemes makes



registration cumbersome for ERA and this situation will continue as long as unified standards at European level are lacking. However, attending a two-day ERA event usually meets the annual CPD requirements in most jurisdictions.

It is essential that ERA not only makes lawyers in private practice aware of its programmes, but also that it hears from private practitioners about their training needs and priorities. For this reason ERA has

for many years held an exhibition stand at major law conventions. In 2010 it was present at the Annual Conference of the European Employment Lawyers Association in Luxembourg, the European Civil-Law Notaries Congress in Salzburg, the Deutscher Anwaltstag in Aachen, the Deutscher Juristentag in Berlin, the Congress of the International Federation of European Law (FIDE) in Madrid and the Salon européen du droit in Paris.



**CORPORATE COMMUNICATIONS**

Left to right: Joanna Kuzaj John Coughlan Jaroslav Opravil Monika Hammerle Stephanie Hoffmann

Jochen Böhm Julia Degen Joyce Nilsen Tanja Bernhardt

## WIDENING ACCESS. ERA SCHOLARSHIPS IN 2010.



During 2010, ERA received a total of 76 applications from 25 different countries. Thanks to a generous donation from the Friends of ERA Association and other donations, we were able to award 25 scholarships. Candidates from Albania, Bulgaria, Croatia, Estonia, Georgia, Macedonia, Poland, Romania, Serbia, Slovakia and Turkey were granted varying degrees of financial assistance. The successful candidates came from a wide range of legal professions, including members of the judiciary, lawyers in private practice, civil servants, and academics.

### Funds

The grants awarded amounted to a total of € 33 572, the average amount per scholarship being slightly above € 1000. In 2010 donations of € 33 300 (previous year € 30 140) were received.

For the first time this year, one donor funded a scholarship for a specific event related to its core activity: the Deutsche Bundesbank branch in Mainz sponsored one participant at ERA's conference in Brussels in December on "Reform of EU financial supervision". ERA plans to develop more such targeted sponsoring with donors in future.

ERA would like to express its sincere thanks to the donors who made the scholarship programme possible in 2010:

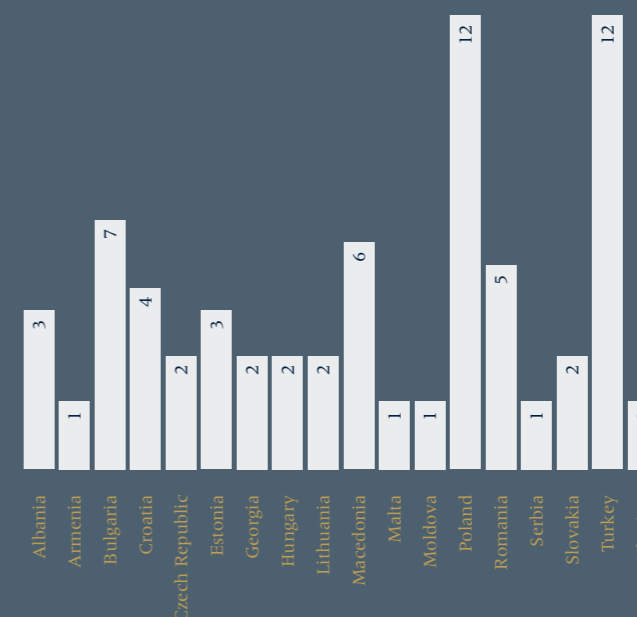
- Friends of ERA Association
- BASF AG
- Sparkasse Trier
- Zonta-Club
- Deutsche Bundesbank
- Volksbank Trier

### WEST GOES EAST: INVESTING IN EASTERN EUROPE

*Sorina Teleanu, Parliamentary assistant, Chamber of Deputies, Parliament of Romania*

I am glad I had the opportunity to attend this summer course on European Intellectual Property Law, which represented a step forward in my professional development. The information and knowledge I gained during this course has definitely strengthened my ability to understand and analyse the current Romanian legal framework on intellectual property and to provide advice on the needs to improve this framework so that it responds to the challenges of an evolving society.

### VALID APPLICATIONS BY COUNTRY 2010



ERA FORUM.  
JOURNAL OF THE ACADEMY  
OF EUROPEAN LAW.



The Academy's quarterly journal on European law, ERA Forum, has been published since 2007 in cooperation with Springer Business+Media (Heidelberg/Berlin/New York). As the traditional business model of journal subscriptions is increasingly being replaced by individually negotiated agreements for online access, online distribution is more and more taking the place of printed copies.

ERA Forum has grown from being a small-circulation printed journal to being part of an online package available to thousands of institutional subscribers around the world. In 2010, the overall number of downloads increased to 23 800 (compared to 20 000 in 2009). About two-thirds of ERA Forum readers were based in Europe, and about one third in the Asia-Pacific Region and America.

The steady growth of ERA Forum reflects both the high quality of new articles published and the enduring relevance to practitioners and researchers of the journal's older content. ERA Forum contains articles in English, French and German. Four issues of the journal were published on issues as diverse as data protection, intellectual property law, family law or public procurement law.

Among the many noteworthy authors were Catherine Kessedjian, John Temple Lang, Conor Quigley QC and Marta Pertegás.



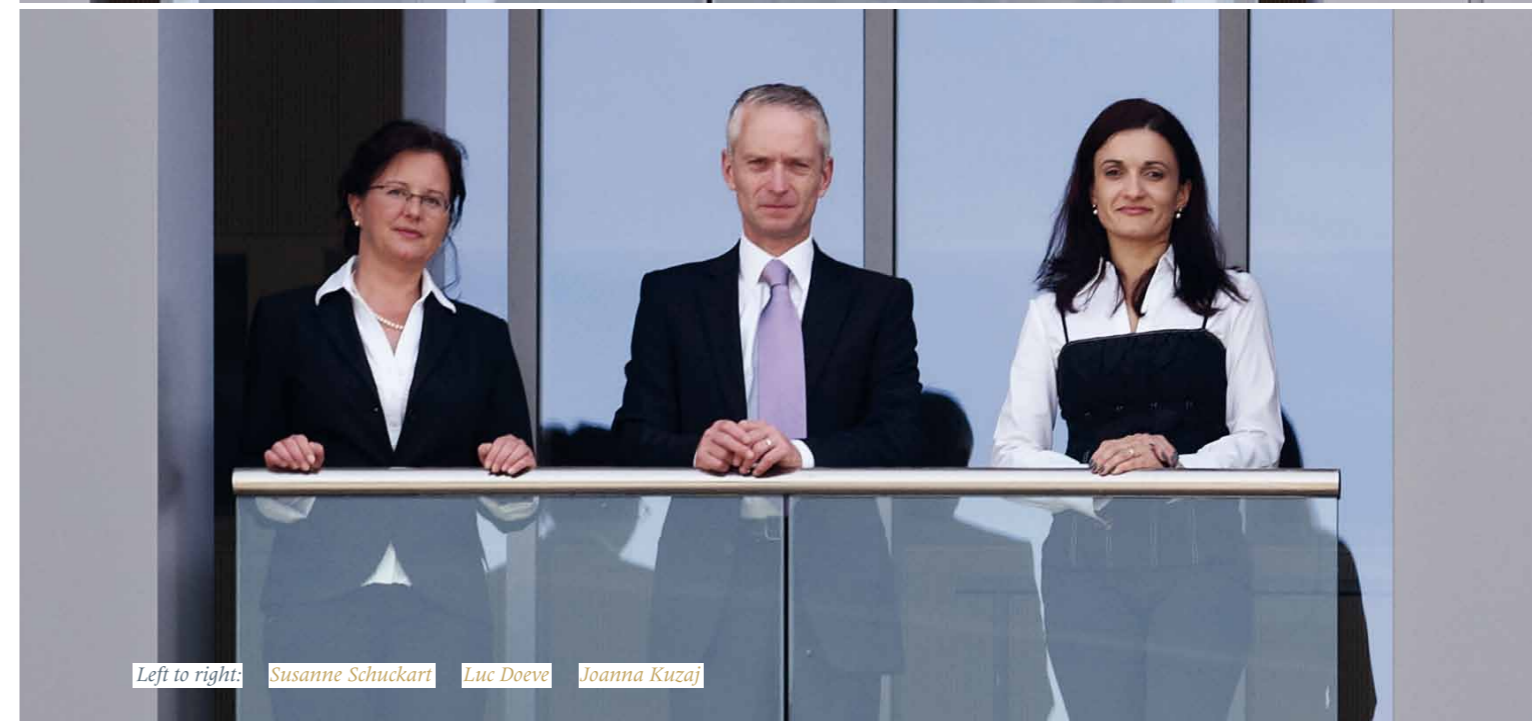
DEVELOPMENT OF DOWNLOADS  
ON SPRINGERLINK

■ Successful full-text downloads

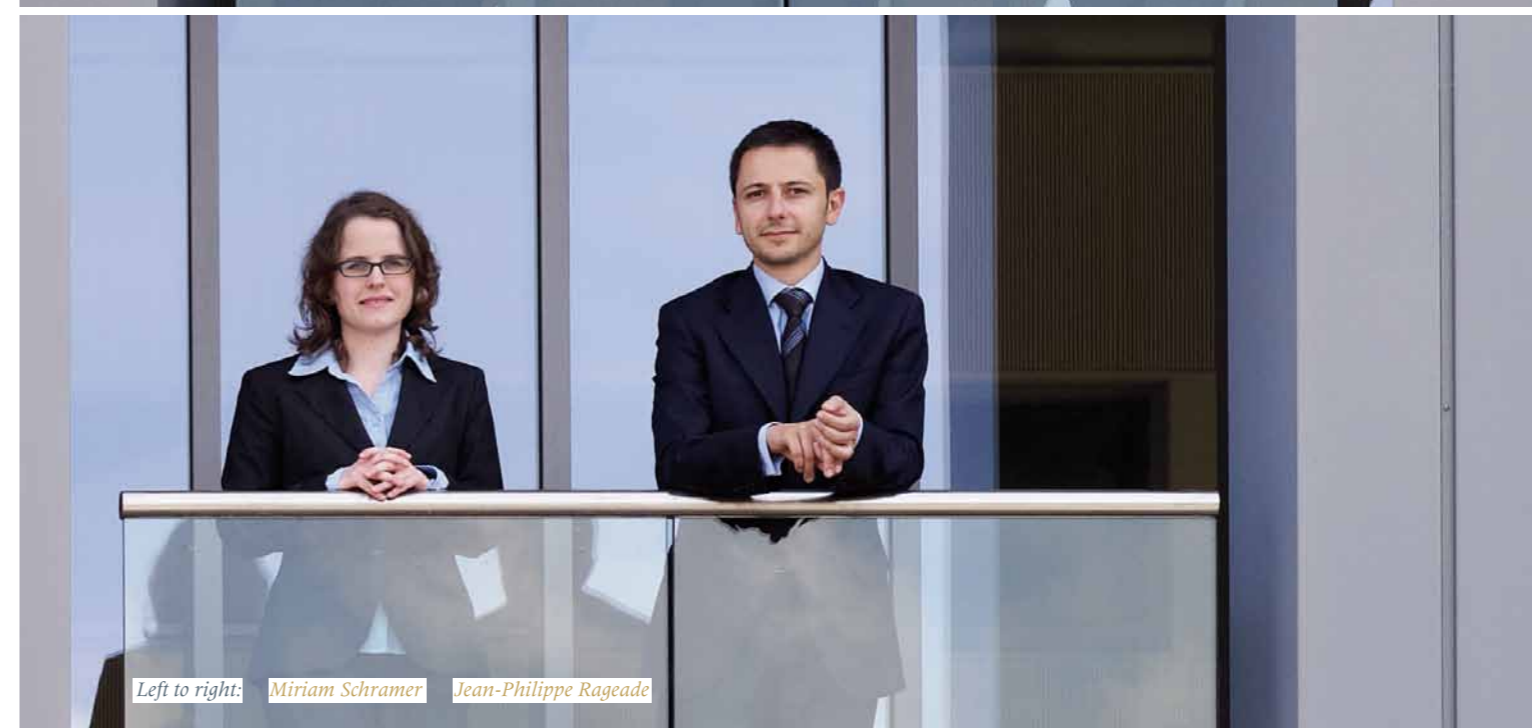


MANAGEMENT BOARD & ASSISTANTS

Left to right: John Coughlan Ruth Whiteley Dr Wolfgang Heusel



Left to right: Susanne Schuckart Luc Doeve Joanna Kuzaj



Left to right: Miriam Schramer Jean-Philippe Rageade



**CONFERENCE SERVICES**

Left to right: *Sabrina Pontin Gersende Bachelier Marlene Dietsch Elke Pieper*

*Christa Wagner Luc Doeve Rosi Jonas*

## THE EXTENDED ERA CONFERENCE CENTRE. FACILITIES & CONFERENCE SERVICES.

2010 was the first of a two-to-three year transition period for the sales activities of the ERA Conference Centre (ECC) following the transformation of the former bank building, which was largely completed by the end of the year.

The seminar capacity has been doubled which presents a new challenge for renting space out to third parties when it is not being used by ERA. Equally, the ECC faces the challenge of finding its way out of the economic crisis and increasing its revenue. It is thus good that we can report a slight increase in income for the ECC compared to last year.

### Start-up of the extended ERA Conference Centre

With the official handing-over of the keys by the renovation team on 30 September 2010 the most important part of the change was finalised. The new conference rooms are equipped with state-of-the-art technical equipment. Of particular note are the high-quality sound system and interpretation booths essential to the academy for our own seminars. There remains only some maintenance work on the exterior of the complex to be completed in the first half of 2011. A progress report was sent to ECC clients and other relevant contacts in order to communicate the latest update on the progress of construction work.

With our expansion complete, we have doubled our size to a combined total of 1.800 square metres of meeting, exhibition and reception space. The ERA Conference Centre now offers the ability to hold two simultaneous events, each with their own separate access and function rooms. In addition, the conference areas can be arranged by an efficient use of flexible partitions whereby up to 13 conference areas of different sizes are possible.

### A selection of major events already held at the new ECC includes:

Laser Trier 2010

11<sup>th</sup> Warpstock Europe Congress

Trade fair for the 50-plus generation

Prelude meeting on geo-information systems of the greater region

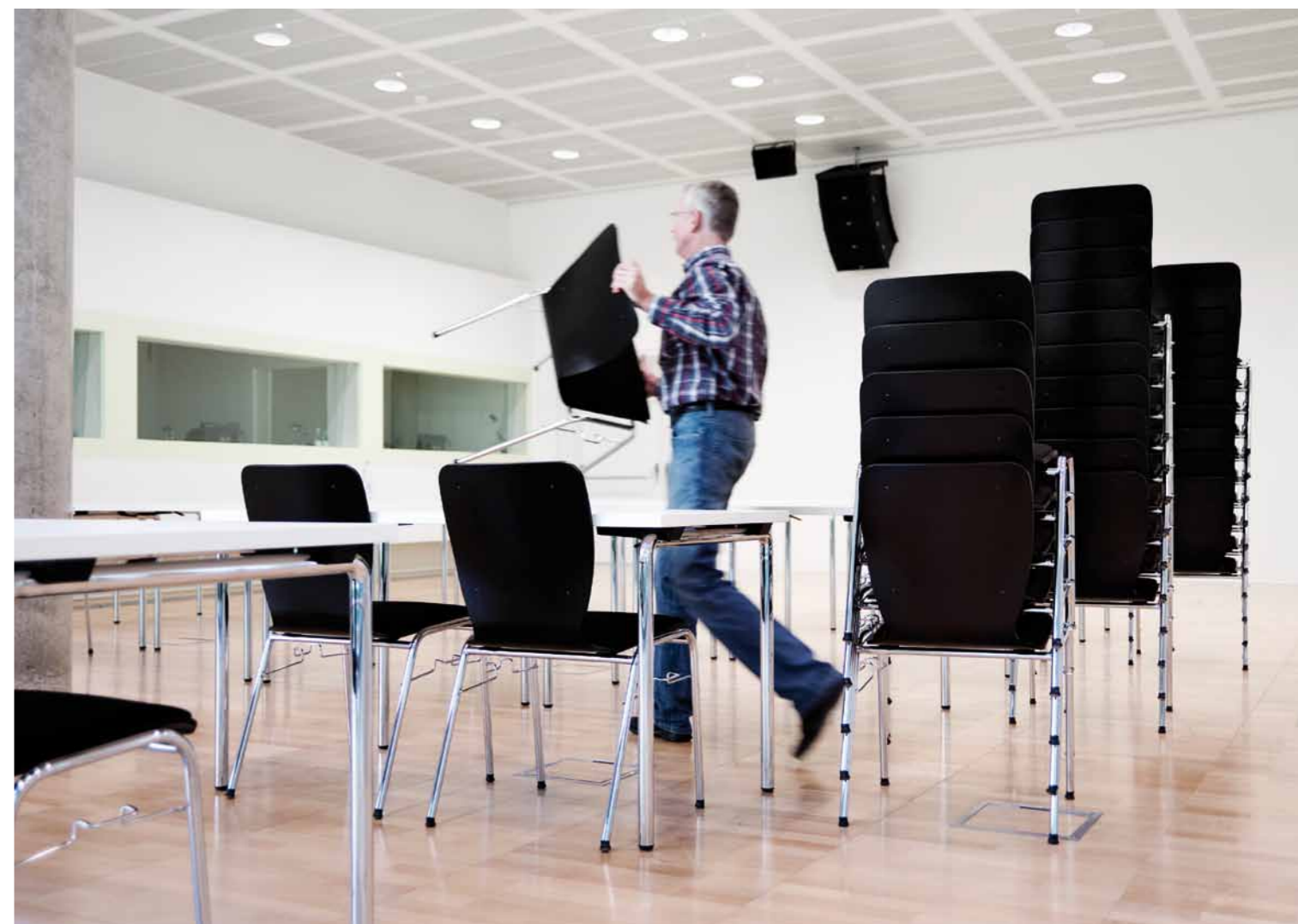
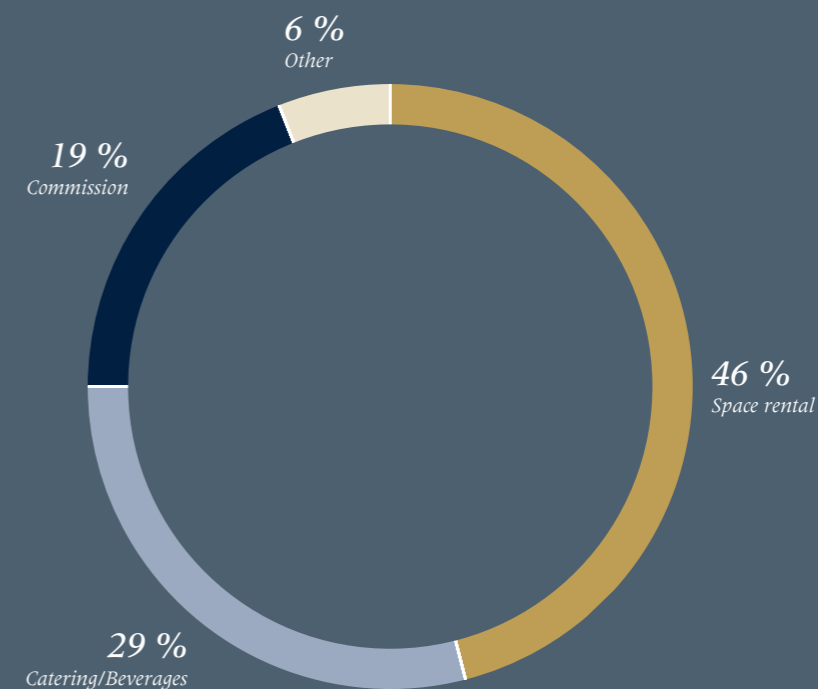
### Economic development of the ECC

The economic downturn affected the congress, meeting and event industry and prompted meeting planners to be particularly budget-conscious. This was noticeable in the 2010 rental activities of the ERA Conference Centre. There was a clear increase in the revenue from rental of the conference areas but the revenue from catering remained comparable with the level of the previous year.

Despite the less favourable market situation and a decrease in the level of commissions, a small increase in total revenue (4%) was noted in comparison to the previous year. In addition, this trend was confirmed by a positive outlook for bookings in the first few months of 2011.

From a marketing perspective we are pleased to report, that we won a wildcard together with the "Meeting Point Trier" partnership for IMEX 2010, a worldwide exhibition for incentive travel, meeting and events, in Frankfurt. With these wildcards the German Convention Bureau offers new enterprises the opportunity to participate in the IMEX fair.

## ECC REVENUE MIX 2010



THE NEW ERA.

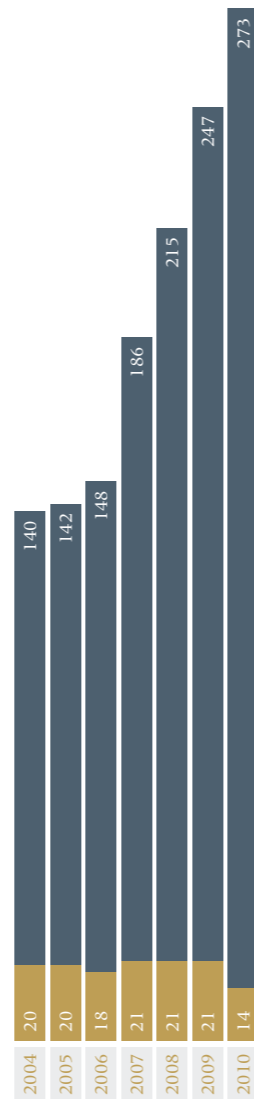


COMMITTED TO EUROPEAN LAW.  
FRIENDS OF ERA.

The Friends of ERA association made a donation of €25,000 to ERA's scholarship programme for lawyers from the new and future EU member states in 2010. The scholarship programme is the association's principal recipient of support and will remain so for the foreseeable future.

The number of individual members of the association continued to grow in 2010, up 10% on the previous year. However, the association was unable to compensate for the loss of a number of corporate members at the height of the economic crisis in 2009 citing budget cutbacks as the reason for withdrawing their membership. Gaining new corporate members will therefore be a priority for the coming years.

At the initiative of its new chairman Professor Manuel Medina Ortega, the Association organised a one-day conference in Barcelona on 26 February 2010 on "Intellectual Property and the Information Society in the EU". The event, which was hosted by the offices of the European Commission and European Parliament and co-organised by Barcelona's University Institute for European Studies, was attended by high-level representatives from the EU institutions, law firms and the creative arts industries. The paper delivered by John Temple Lang at the conference on competition law and intellectual property rights can be read in ERA Forum Volume 11 (2010) Issue 3.



MEMBERSHIP DEVELOPMENT

■ Individuals ■ Organisations

A BRIEF HISTORY OF ERA.



John Toulmin CMG QC,  
Chairman of the ERA  
Board of Trustees,  
1997-2010

I became Chairman of the Board of Trustees at the Trustees' meeting of 19 June 1997. I handed over to my successor, Pauliine Koskelo, Chief Justice of Finland, on 1 January 2011. When I started, ERA only had a small office next to the Nell's Park Hotel. What is now ERA was a building site, the foundation stone of the new building having been laid by Minister Peter Caesar and the then President of the Governing Board Horst Langes, on 18 March 1996. By the end of 2010, the building recently acquired from the Bundesbank had been re-furbished and was fully operational. In 1997 ERA was 5 years' old, now it is soon to celebrate the 20th anniversary of its foundation.

In 1997 there were 15 Member States, Austria, Finland and Sweden having joined as recently as 1 January 1995. In 2011 we have 27 Member States. The European Union has developed at considerable speed. In 1997 Monetary Union was still some years away. Justice and Home Affairs were part of the Third Pillar of the Maastricht Treaty, and the EU's role was limited to promotion of co-operation between the Member States. The 2009 Lisbon Treaty incorporating the Treaty on the Functioning of the European Union (TFEU) enlarged the competence of the EU in criminal matters, and confirmed the increased competence in civil matters set out in the Treaty of Amsterdam. The competences in civil and criminal matters are set out in Articles 81 and 82 of the TFEU. Commissioner Reding is working very actively to fulfil the new mandate. I shall return to this topic and the new opportunities which it presents at the end.

It is clear that both the European Union and ERA have been transformed since June 1997. It is the genius of

the founders and those working at ERA that ERA has been able to evolve to the changing needs of legal Europe while keeping faith with the original purpose for which ERA was created, and for which it was initially so generously supported (and continues to be supported) by the state of Rhineland-Palatinate, the Federal Republic of Germany, the City of Trier and the European institutions – the European Commission, the Court of Justice and the Parliament.

I start with a brief history of ERA in the period before 1997. The idea which Horst Langes MEP and a few of his fellow members of the European Parliament put to Peter Caesar, Minister of Justice of Rhineland-Palatinate in the late 1980s, was "the ever-greater need for individuals and authorities involved in the application and implementation of European law to gain a wider knowledge of European law and in particular Community law and its application and to have increasing opportunities for a mutual and comprehensive exchange of experiences".

On 8-9 November 1991 ERA was formally inaugurated at a conference in the Electoral Palace in Trier.

On 22 June 1992 the Academy of European Law Foundation was established jointly by the Grand Duchy of Luxembourg, the State of Rhineland-Palatinate, the City of Trier and the Association for the Promotion of the Academy.

On 12 March 1992 ERA held the first of seven seminars that year on the topic of asylum and immigration policy. In 1993 it held its first full programme of 26 seminars.

The governance of ERA is carried out by a Governing Board, an Executive Board and a Board of Trustees,

The Academy of European Law Foundation was established jointly by the Grand Duchy of Luxembourg, the State of Rhineland-Palatinate, the City of Trier and the Association for the Promotion of the Academy.

1992

The Board of Trustees held its first meeting on 5 July with Willi Rothley MEP as the first Chairman.

1993

John Toulmin became ERA's Chairman of the Board of Trustees at the Trustees' meeting of 19 June 1997.

1997

and, since 2000, a Management Board consisting of the Director and up to three deputy directors of the Academy, a modern structure for the administration of an increasingly complex organisation. At different times individual members of the three external Boards have played crucial roles in the development of ERA.

The Board of Trustees held its first meeting on 5 July 1993 with Willi Rothley MEP as the first Chairman. The Board of Trustees consisted of a wide representation of nominated representatives of the Member States and the European Institutions, and judges, lawyers practising independently and in companies, and academics from the Member States appointed by the Governing Board. Its task was primarily to assist Wolfgang Heusel, then the Director of Programmes, and the legal staff in the development of the training programmes of the Academy. From the start it had a considerable input into the particular courses and it chose the topic for the Annual Congress and helped in its preparation in cooperation with the ERA lawyers.

In addition, since the Governing Board was concerned primarily with financial matters, the Board of Trustees gave advice on strategy and on topics like marketing the Academy and publicity. A Marketing Committee was set up in which Sir Thomas Macpherson, former President of the European Association of Chambers of Commerce and Industry Eurochambres, and Heinz Weil, Avocat à la Cour and Rechtsanwalt and President of the CCBE in 1995, have played particularly important roles from the beginning in advising on how ERA should be presented and marketed to the outside world. Because the advice of the Trustees was valued and acted upon appropriately by the staff at ERA, the level of attendance of trustees at the Annual Meetings was and is very high, an average of over 40 participants.

The concept of the Annual Congress was to provide a platform for discussion of European legal policy by considering in depth a subject which combines aspects of European-wide policy with questions of law. The first Congress in 1993 was on "The Future of Europe – Centralised and De-Centralised Approaches". ERA's position, to which it has always adhered, is that it acts as a facilitator devising programmes to enable the issues to be elaborated by experts and participants. ERA must not take sides but ensure that the issues are presented fairly and comprehensively. The detailed work of preparing the courses and the legal policy conferences is carried out by the staff lawyers.

The members of the Board of Trustees have continued to play an important part in the development of the programmes both through the annual Trustees' meetings and in direct contact with the ERA lawyers responsible for the particular course. At the start, the programmes were divided into basic programmes, programmes for experts and special programmes on demand. As EU lawyers have acquired a greater knowledge of European law, and as the law itself has impinged more and more on the everyday life of its citizens, the programmes have become more sophisticated. The composition of the Board of Trustees has changed to meet this need with more experts in particular areas of the law, and the Trustees' Meetings provide an intensive and informed scrutiny of the proposed programmes for the coming year.

Coming to 1997, when I became Chairman of the Board of Trustees, ERA was still an organisation trying to establish itself. It had done well in the early years but questions were still being asked about its direction and why its existence was necessary when there were, albeit with different purposes, institutes

with a European-wide mission in Florence, Bruges and Maastricht. Trier was thought to be relatively inaccessible and the three buildings on the site, for the Academy, the Bundesbank and the Hotel, were still over a year from completion.

The subject for the Annual Congress in 1997 was "The Legal Limits for a Geometrically Variable and Multi-speed Europe", continuing the debate on major topics in the development of the European Union. This was then a fundamental issue concerning the development of the European Union. Other important seminars in that year included the impact of European consumer protection legislation on domestic civil and contract law, the first ERA seminar on media law and the first ERA seminar in Estonia.

The ERA Congress Centre was opened by Jacques Santer as President of the European Commission on 11 September 1998. This was followed by an inspiring symposium on Monetary Union in which the keynote speakers were Pierre Werner, former Prime Minister of Luxembourg, and "Father of Monetary Union", Lord Howe of Aberavon QC, former Foreign Secretary and Chancellor of the Exchequer in the United Kingdom, and Alain Lamassoure, former French Minister for European Affairs.

In 1998 ERA opened a small office in Brussels and participated in two important initiatives. In the first, ERA participated with the TAIEX office in Brussels in the organisation of 22 further education courses for judges in the then-associated countries in Central and Eastern Europe with a further 16 to follow in 1999. The second related to the PHARE follow-up project on the approximation of legislation in Hungary with EU law. This followed previous PHARE projects in Hungary and Bulgaria.

1999 saw further recognition at European level. In July 1999 the ERA library was awarded the status of an EU documentation centre. On 8-9 November 1999 ERA put on the first seminar on request for the European Parliament, an exercise which was to be repeated annually until 2008. Also in 1999 ERA developed its own website. The Annual Congress was on the Eastern Enlargement of the European Union and strategies for optimising the accession of the Candidates from Central and Eastern Europe.

However, 1999 was primarily a year of change for ERA. Very sadly, Peter Caesar, who had done so much to establish and develop the Academy, fell ill and died on 30 December 1999. Ernst Merz, who had been Director since 1 October 1992, left to return to his Social Affairs Court in Koblenz.

It was time to assess the future of ERA. It had come a long way since its foundation, but it was still not well-known among the lawyers and judges in the European legal profession. In the year 2000, ERA was still a fledgling organisation. By December 2010 it had become an established and important provider of legal education in the rapidly developing European Union. Wolfgang Heusel was appointed Director on 1 January 2000 and it is largely his vision which has taken ERA forward to its present position.

A crucial factor in ERA's development has been that the staff, currently from 13 different countries, have stayed much longer and many have established careers at ERA. This has improved the quality of the courses. On a personal note, I can say that the Annual Congresses and the courses which I have attended have been outstanding both in the organisation of the courses and the preparation of the accompanying documents.

The ERA Congress Centre was opened by Jacques Santer as President of the European Commission on 11 September 1998.

1998

Dr Wolfgang Heusel was appointed Director of the Academy on 1 January 2000.

2000

ERA celebrated its 15th anniversary with an important conference on "The Future of Legal Europe".

2007

In 2007 ERA celebrated its 15th anniversary with an important conference on "The Future of Legal Europe". In 2010 there were 128 events with 7,487 participants. About one third of the events took place outside Trier or Brussels. By then, ERA had organised over 1000 events with nearly 60,000 participants, not only in Trier, but in more than 100 cities in 31 different European countries. It is impressive that despite the difficult economic conditions, ERA was in 2010 able to attract almost the largest number of participants in its history, and was able in financial terms to break even. This demonstrated the careful financial management at ERA.

Since 2000, ERA's position as a European institution has been further recognised in a number of important respects. Starting with the accession of Ireland as a Patron of the Academy in the year 2000, 22 Member States, Croatia as an acceding State and Scotland, have also become Patrons.

Since 2005, starting with the Luxembourg and UK Presidencies, ERA has, at the Presidencies' request, put on seminars to explore important issues, which were priorities of that Presidency. The Luxembourg Presidency's topics included "Mutual Trust in the European Criminal Law Area" and "Free Movement in the Schengen Area". In 2011 ERA organised a conference on "Data Protection Measures at European level, international challenges and directions of future improvements" for the Hungarian Presidency. It has also become involved in legal training for the staff of incoming Presidencies, in particular in preparation for the Polish Presidency from July 2011. In addition ERA cooperates with large numbers of Ministries of Justice in the Member States in organising training events. EU institutions have continued to commission seminars

from ERA for their own staff and for third parties. These have included seminars on anti-discrimination law, EU law on equal treatment between men and women, telecommunications, and combating fraud.

Judges of the Court of Justice and members of the European Commission and Parliament have continued to be most generous with their time and support as members of the Executive and Governing Boards, and the Board of Trustees, and in participating in ERA events.

ERA has also cooperated increasingly with organisations at European level and at national level. These have included not only the European institutions, but also, amongst others, the Council of the Bars and Law Societies (CCBE) and the European Company Lawyers Association (ECLA), emphasising ERA's role in providing legal training and the opportunities for lawyers in private practice and in business to meet together. As a former President of the CCBE I was very honoured, as my last act as Chairman of the Board of Trustees, to chair and sum up the conclusions at a joint CCBE/ERA Conference on 26th November 2010 to celebrate the 50th anniversary of the CCBE. The topic was "Legal Aid, a Fundamental Right for Citizens – Effective Access to Justice in the European Union". The keynote speech from Commissioner Reding made it clear that she was proposing to issue a White Paper on Access to Justice in the EU in 2012 and on Legal Aid in 2013.

In 2010 ERA, in addition to cooperation with the institutions of the Union, had about 60 co-operation partners. This number has been increasing steadily.

In a further development, many Member States require their practising lawyers to undertake annually continuing compulsory profession development (CPD)

and ERA has been recognised as an approved provider. Attendance at a two-day ERA seminar enables lawyers in most jurisdictions to meet their annual CPD requirements.

As the legal world has become smaller, ERA has extended its training beyond the EU. Between 2000 and 2005, ERA organised a series of ten training workshops for Chinese judges and prosecutors. ERA is an associate partner of the China-EU School of Law. In 2009 and 2010 ERA with the City of Trier and Beijing Normal University was involved in a project supported by the Chinese and German Ministries of Education to bring European and Chinese perspectives on how to identify the causes of disparities of wealth and how they can be overcome, through better infrastructure, planning and disaster prevention and management. In 2010 ERA organised a two week information and training seminar for Chinese officials on behalf of the European Commission DG for Regional Policy.

On 18 February 2004 ERA organised a one-week programme for Chilean lawyers. Since 2008 ERA has been implementing a three-year project aimed at strengthening international co-operation in criminal matters in Ukraine, Georgia and Moldova. ERA has also held seminars on the WTO (World Trade Organisation) in Brussels, participated in by eminent lawyers and academics from other countries including the United States.

On the basis of three successful annual European Traffic Law Congresses organised by ERA since 2000, also in 2004, the Institute of European Traffic Law was launched with the support of ERA, which provided its secretariat until 2009.

Within its core purpose, ERA has been expanding its services since 2000 to fulfil the increasing needs of

the European legal community. In 2000 it launched its quarterly publication ERA Forum, with a distinguished editorial board, as a serious legal journal with articles on important European law topics, and a summary of European Court decisions. In 2007 Springer took over its production and marketing. Since then the journal has been available on the internet and has been particularly successful in this format. In 2010 the number of successful full text downloads was 23,807. The Brussels office has become of central importance to ERA as a result of the entry into force of the Lisbon Treaties and the adoption of the Stockholm programme. It focuses on three key areas – ERA's role in providing judicial training, contacts with European institutions, legal bodies and national representation based in Brussels, and in updating staff in Trier on the latest developments at European level. Its "ERA Briefings" organised about once a month on topical developments in the EU are particularly successful.

Since 2007 ERA has developed a series of e-learning modules in different areas of EU law and has recently used video conferencing as an inter-active method of training lawyers.

It is recognised that coming to legal conferences is expensive, particularly for young lawyers from new member states, and ERA has set up the Peter Caesar scholarships, named after the former Minister for Justice in Rhineland-Palatinate. ERA awarded 25 scholarships in 2010 and would like to do much more if it could raise the necessary funding.

Finally the three buildings which have been integrated on the ERA site since the autumn of 2010, the two ERA buildings and the Hotel, provide substantially increased space, able to accommodate much larger ERA conferences (as well as providing much needed increased

The EJTN General Assembly elected ERA as the convenor of the working group on Programmes and as a member of the working group on Technology.

2010

space for staff), are available to outside bodies on occasions when ERA is not holding its own conferences. In view of the increased competences for the European Commission and the Parliament and its impact on the increased opportunities for ERA, it is necessary to follow the founding and subsequent history of the EJTN (the European Judicial Training Network). In October 2000, ERA became a founding member of the EJTN and has been a driving force in its development. EJTN's aim was to coordinate and develop judicial training in the European Area of Freedom, Security and Justice, in particular in view of the growth in judicial cooperation between the Member States. On 29 March 2001 ERA was appointed as the Secretariat for the EJTN.

On 29 June 2006 the Commission issued a communication promoting judicial training at European level, and mentioned ERA as one of the key institutions at European level organising seminars for practitioners. In July 2008, the European Parliament called for the creation of a European Judicial Academy "which shall include EJTN and ERA". In October 2008 the Justice and Home Affairs Council in Luxembourg called for stronger support of judicial training activities and requested the development of common European training programmes by the EJTN and its members, including ERA as the only European training institute.

In May 2010 the EJTN General Assembly elected ERA as the convenor of the working group on Programmes and as a member of the working group on Technology. Also in 2010 ERA led a consortium together with EJTN which is conducting a study for the European Parliament on judicial training in the EU. ERA has for many years organised seminars for the judiciary in the

Member States focusing on practical training involving case studies mainly derived from the practice in the participants' home countries. In 2010 more than 1400 judges and prosecutors from all over Europe took part in ERA training events, many of the events being in conjunction with EJTN.

In relation to civil law, Article 81(e) and (h) of the TFEU amplify the general provisions in Article 81 requiring the European Parliament and Council to adopt measures for the proper functioning of the internal market aimed at ensuring "(e) effective access to justice" and "(h) support for the training of the judiciary and judicial staff".

In relation to criminal law, Article 82 of the TFEU confers in Article 82(c) the obligation on the European Union to support the training of the judiciary and judicial staff. Under Article 82(2) it confers wide powers on the EU to establish minimum rules to facilitate mutual recognition of judgments and judicial decisions. Police and judicial cooperation in criminal matters may also be the subject of minimum community rules under Articles 83-86.

To ensure effective access to justice through the Courts of the Member States by competent judges at a reasonable cost and within a reasonable time is one of the greatest challenges for the Member States and the European Union's Institutions. The training of the judiciary and judicial staff is a small part of that problem. Fundamental change is required to the system of delivering justice in many Member States if anything approaching effective access to justice, certainly in civil cases, is to be achieved through the Courts.

The Stockholm Programme places great emphasis on training and e-learning and in paragraph 3.2.1 states that "Training of judges (including administrative

John Toulmin handed over his office of ERA's Chairman of the Board of Trustees to Pauliine Koskelo, Chief Justice of Finland, on 1 January 2011.

2011

courts), prosecutors and other judicial staff is essential to strengthen mutual trust... the Union should continue to support and strengthen measures to increase training in line with articles 81 and 82 TFEU". It is not clear whether it is intended that this would include only those who exercise a judicial function, or whether it will include all those including practising lawyers who are involved in the process of justice. In either event, without being complacent about it, ERA is well-placed in terms of expertise and facilities to meet the future training needs of lawyers, judges, civil servants and academics and to continue to develop programmes to help to provide effective access to justice in the Member States (and in the wider world) both within the framework of EU legislation and within its traditional activities.

I cannot end this survey without a special personal tribute to Wolfgang Heusel and all the staff during my time as Chairman of the Board of Trustees and, in particular, among those who have left, Ernst Merz the former Director, Fabian Pereyra and Sarah Jund, former Directors of Programmes. Since 2000 Wolfgang Heusel has been Chairman of the Management Board which since 2006 has consisted of him and three Deputy Directors of ERA, Jean-Philippe Rageade (Director of Programmes), Luc Doeve (Director of Finance and Conference Services) and John Coughlan (Director of Corporate Communications). They have headed a dedicated staff of lawyers and support staff who embody the spirit of ERA. They succeed in giving an air of relaxed informality and warmth at the same time as being very professional. They are joined by a team of interpreters led from the beginning by Wolfgang Fehlberg. They interpret in English, French, German, Italian and other languages with great skill

and their work has been invaluable.

It has been a great privilege to serve as Chairman of the Board of Trustees during these 14 years of extraordinary change. I thank most warmly my fellow Trustees for their contributions, encouragement and support both in the annual meetings and in advising and assisting the staff on other occasions. I thank in particular my Vice Chairmen, Francesco de Angelis, Walter van Gerven, Josef Azizi and Péter Köves. It is a great pleasure to hand over the chairmanship to Pauliine Koskelo who is ideally equipped to chair the Board of Trustees in the next stage of ERA's development. As I have said, ERA has the staff, the organisation, the capacity and the support from the Governing Board, the Executive Board and the Board of Trustees to embrace the new opportunities and challenges in European legal education, which arise both as a result of the Treaty of Lisbon and naturally as European law grows to be more and more a part of the law of the Member States, and also to play a wider role in the development of legal education world-wide.

## COOPERATION PARTNERS 2010



## AT EUROPEAN LEVEL

Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union (ACA)  
 Belgian EU Council Presidency 2010  
 Council of the Bars and Law Societies of the European Union (CCBE)  
 Council of the Notariats of the European Union (CNUE)  
 Eurojust  
 European Commission (OLAF, Taiex, DG REGIO, DG Justice, DG Employment)  
 European Court of Justice  
 European Data Protection Supervisor (EDPS)  
 European Foundation Centre  
 European Judicial Training Network (EJTN)  
 European Police College (CEPOL)  
 International Association of Refugee Law Judges (IARLJ)  
 International Organisation for Migration (IOM)  
 International Press Association, Brussels  
 Spanish EU Council Presidency 2010  
 Office for Harmonization in the Internal Market (OHIM)

Greece - European Lawyers Association for the protection of the financial interests of the European Community  
 Hungary - Office of the National Council of Justice  
 Italy – Consiglio Superiore della Magistratura (CSM)  
 Italy – Fondazione Giuliana Carmignani  
 Lithuania – Training Centre of Ministry of Justice  
 Luxembourg – Ministry of Foreign Affairs  
 Luxembourg – Police Academy  
 Malta – Maltese Government  
 Netherlands – Dutch judicial school (SSR)  
 Norway - Mission to the EU  
 Poland – National School of Judiciary and Public Prosecution  
 Portugal – Centre for Judicial Studies  
 Romania – Prosecutor's Office attached to the High Court of Cassation & Justice  
 Romania – National Institute for the Magistracy  
 Slovakia – Judicial Academy  
 Slovenia – Judicial Training Centre, Ministry of Justice  
 Spain – Judicial School, General Council of the Judiciary  
 Spain – Centro de Estudios Jurídicos (CEJ)  
 Spain – European Parliament Information Office in Barcelona  
 Spain - Institut Universitari d'Estudis Europeus (IUEE), Barcelona  
 Spain – Ministry of Economy and Finance  
 Spain – Regional Representation of the European Commission in Barcelona  
 Sweden – Swedish Ministry of Justice  
 Sweden – Government Offices  
 Switzerland – Personaldienst Schweizerisches Bundesgericht  
 United Kingdom – The Law Societies (England and Wales, Scotland and Northern Ireland)  
 United Kingdom – Loquitur  
 Ukraine – General Prosecutor's Office

## IN THE MEMBER STATES

Austria – Oberlandesgericht Innsbruck  
 Bulgaria – National Institute of Justice (NIJ)  
 Czech Republic – Judicial Academy  
 Czech Republic – Ministry of Justice  
 Dublin – Irish Centre for European Law (ICEL)  
 Finland – Ministry of Justice  
 France - Centre Régional de Formation Professionnelle des Avocats de Versailles  
 France – National Judicial School  
 France – Court of Cassation  
 Germany – Federal Ministry of Justice  
 Germany – Institute of German and European Water Management Law at the University of Trier

## FINANCES

Left to right: Claudia Schweizer Heinz Monsch Marianne Reichertz Alicja Baginski

## HIGHLIGHTS OF 2010. A YEAR FULL OF ACTIVITY.

### JANUARY

#### ANNUAL BRUSSELS RECEPTION

Spanish Justice Minister D. Francisco Caamaño Domínguez addressed ERA's annual reception in Brussels and launched a series of events co-organised by the Spanish EU Presidency and ERA. The reception was hosted by the Spanish Permanent Representation to the EU in Brussels and brought together legal practitioners and representatives of the European institutions.



### FEBRUARY

#### CONFERENCE ON CROSS- BORDER SUCCESSIONS

The first ERA conference on cross-border successions took place on 18-19 February 2010 in Trier. The main focus was to discuss the scope of the Commission's proposal for a regulation in matters of successions and to highlight questions of competence and other problems that might arise.

#### VIVIANE REDING PRESENTS WORK PROGRAMME FOR EU CRIMINAL JUSTICE

Viviane Reding, Vice-President of the European Commission responsible for Justice, Fundamental Rights and Citizenship, set out her programme for EU criminal justice at the ERA conference on "The Future of European Criminal Justice under The Lisbon Treaty" in Trier on 12 March 2010. In her speech Commissioner Reding underlined the need for ambition in the field of criminal justice.



#### CONFERENCE ON EUROPEAN CONTRACT LAW

ERA hosted a conference on developments in EU consumer law, including the Draft Common Frame of Reference (DCFR). The content and the perspectives of a future 'political' Common Frame of Reference (CFR) for European contract law as well as the state of play of the future Consumer Rights Directive were discussed at the conference.

#### CONFERENCE ON TRADE MARKS AND DESIGN

An ERA conference in Alicante, organised with the support of The Trade Marks and Designs Registration Office of the European Union (OHIM), analysed significant developments in EU law on trademarks and designs.

The use of trademarks in advertising, trademark strategies and defences, policy initiatives and recent cases from the EU Courts in the field of enforcement of rights and counterfeiting were the main topics of the conference.

### MARCH

### JUNE

#### DATA PROTECTION IN THE AGE OF SWIFT, PNR, PRÜM AND E-JUSTICE

An ERA conference on data protection focused on issues concerning the protection, use and exchange of personal data in the context of law enforcement. The European Data Protection Supervisor, Peter Hustinx, whose office was a cooperation partner for this event, highlighted current developments after the Lisbon Treaty.

#### ERA SUMMER RECEPTION IN LUXEMBOURG

Jean Guill, Director General of the Luxembourg Financial Services Surveillance Commission (CSSF), gave a keynote address at the Academy of European Law's Summer Reception at the Abbaye de Neumünster in Luxembourg. Addressing an audience of more than 250, Jean Guill spoke about "Risk and Responsibility in the Regulation and Supervision of the Financial Sector" highlighting the consequences of the financial crisis.



### JULY

#### TRAINING FOR CHINESE LOCAL OFFICIALS

On behalf of the Directorate General for Regional Policy of the European Commission, ERA organised training for high-ranking officials from eleven Chinese Provinces. The two-week-long seminar was one of the official activities of the Regional Policy Dialogue between the EU and China. The training session focused on regional policy questions of interest for sustainable development in China.



# HIGHLIGHTS OF 2010. A YEAR FULL OF ACTIVITY.

## SEPTEMBER

### NEW CONFERENCE FACILITIES UP AND RUNNING

After 15 months of conversion work, ERA's new conference facilities in the former bank building next door were officially handed over. There is an additional large conference hall with five booths for interpreters as well as three further seminar rooms. Increased demand for training activities had made expansion of ERA's facilities necessary.



### SAUDI JUDGES ON A VISIT TO ERA

Eleven judges from Saudi Arabia visited the Academy of European Law on 22 and 23 November to find out about the work of the Academy and the basics of European Law. ERA speakers presented information on different areas of European law.



### CYBERCRIME: DEVELOPING THE LEGAL FRAMEWORK IN EUROPE

An ERA seminar on cybercrime was organised in London in cooperation with the University of London. The seminar was part of a project sponsored by the European Commission. It discussed how European legislation in the field of cybercrime is applied in the different Member States and candidate countries and the perspectives for an effective Europe-wide campaign against illegal use of the internet.

## NOVEMBER

## NOVEMBER

### LEGAL AID: A FUNDAMENTAL RIGHT FOR CITIZENS

On the occasion of the Council of Bars and Law Societies of Europe's 50th anniversary, ERA organised a conference in Brussels in cooperation with CCBE and in the framework of the Belgium Presidency which discussed the future of legal aid in Europe. Viviane Reding, Vice-President of the European Commission, was one of the keynote speakers.



### REORGANISATION OF THE GERMAN GAMBLING MARKET

In cooperation with the representation of Rhineland-Palatinate, ERA organised on 1 December in Berlin a panel discussion about the different possibilities for reorganising the German gambling market in light of a recent judgment of the Court of Justice of the European Union.



### CONFERENCE ON THE REFORM OF EU FINANCIAL SUPERVISION

An ERA conference in Brussels debated how effectively the new EU financial supervisory framework would improve financial market supervision in the wake of the financial crisis. The conference discussed the role of the three supervisory authorities (ESAs) and the role of the European Systemic Risk Board (ESRB) as a watchdog for banking and financial markets in the EU.

## DECEMBER

## MEMBERS OF THE BOARDS 2010.



### I. GOVERNING BOARD

#### PRESIDENT

##### DR JACQUES SANTER

Former Prime Minister of Luxembourg,  
former President of the European Commission,  
former Member of the European Parliament  
Representing Luxembourg

#### VICE-PRESIDENT

##### JOACHIM MERTES

President of the Parliament of the State of  
Rhineland-Palatinate  
Representing Rhineland-Palatinate

#### MEMBERS

##### ELISH ANGIOLINI QC

The Lord Advocate – Representing Scotland

##### DR CARMELO MIFSUD BONNICI

Minister for Justice and Home Affairs  
Representing Malta

##### DRAŽEN BOŠNJAKOVIĆ

Minister of Justice – Representing Croatia

##### PETROS CLERIDES

Attorney General of the Republic of Cyprus  
Representing Cyprus

##### MALU DREYER

Minister for Labour and Social Affairs, Health,  
Family and Women

Special representative of the host state

##### ERIK VAN DEN EMSTER

President, Raad voor de Rechtspraak  
Representing the Netherlands

##### MAURIZIO FIORILLI

Avvocato, Head of Cabinet, Ministry for European  
Affairs – Representing Italy

##### ANA LUÍSA GERALDES

Director of the Centre for Judicial Studies  
Representing Portugal

##### CEZAR HERMA

Director of the European Law Department, Office of  
the Committee for European Integration  
Representing Poland

##### DR GERHARD HESSE

Head of the Constitutional Department, Federal  
Chancellery – Representing Austria

##### PAUL JENKINS

The Treasury Solicitor  
Representing the United Kingdom

##### KLAUS JENSEN

Mayor of the City of Trier

Representing the City of Trier

##### PROFESSOR IOANNIS KARAKOSTAS

University of Athens – Representing Greece

##### KARI KIESILÄINEN

Director General, Ministry of Justice

Representing Finland

##### MÁRIA KOLÍKOVÁ

Secretary of State, Ministry of Justice

Representing the Slovak Republic

##### PROFESSOR JANEZ KRANJC

University of Ljubljana

Representing Slovenia

##### THOMAS KUTSCHATY

Minister of Justice, North Rhine Westphalia  
Representing the German Länder

##### HORST LANGES

Former State Secretary, Honorary Member of  
the European Parliament

Representing the Association for the Promotion  
of the Academy of European Law

##### SABINE LEUTHEUSSER- SCHNARRENBARGER

Federal Minister of Justice

Representing Germany

##### ERIC MAÏTREPIERRE

Head of the European and International  
Department, Ministry of Justice

Representing France

##### DEIRBHLE MURPHY

Parliamentary Counsel, Office of the  
Attorney General

Representing Ireland

##### TIBOR NAVRACSICS

Minister of Justice

Representing Hungary

##### MARGARITA POPOVA

Minister of Justice and Keeper of the State Seal

Representing Bulgaria

##### CATALIN PREDOIU

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**IMPRESSUM ANNUAL REPORT**

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**PUBLISHER:**

Academy of European Law

Metzer Allee 4

54295 Trier

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**EDITOR**

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**CONCEPT & DESIGN:**

propeller gmbh

Agentur für Neue Kommunikation

www.propeller.de

**PRINTING PRESS:**

Bastian Druck GmbH

www.bastiandruck.de

**PHOTOGRAPHY:**

Hans-Werner Bohn, Trimport

Pages: cover, 2/3, 5, 8/9, 10, 12, 14, 18/19, 20/21, 23,

25, 26/27, 29, 30/31, 32/33, 34/35, 37, 38/39, 40/41,

42/43, 45, 46/47, 49, 50/51, 60, 70

Daniel Franzen, RDTS AG

Pages: 24, 44, 66

www.istockphoto.com

Pages: 13

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Education and Culture DG

Lifelong Learning Programme

The Academy of European Law has been funded with support from the European Commission. This publication reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.